

UNCERTIFIED ROUGH DRAFT

1 IN THE CIRCUIT COURT OF THE TENTH JUDICIAL
2 CIRCUIT, IN AND FOR JEFFERSON COUNTY,
3 ALABAMA

4
5 CIVIL ACTION NO. CV-05-1837

6
7 DAVID GABRIEL WATSON,
8 Plaintiff,

9 vs.

10 OLD REPUBLIC INSURANCE CO.; TRAVELEX
11 INSURANCE SERVICES, INC.; GET AWAY OF
12 BIRMINGHAM, INC., et al.,
13 Defendants.

14
15 UNCERTIFIED ROUGH DRAFT
16 DEPOSITION OF
17 DAVID GABRIEL WATSON
18 April 4, 2006

19
20 REPORTED BY: Laura H. Nichols
21 Certified Real time Reporter,
22 Registered Professional
23 Reporter and Notary Public

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1 S T I P U L A T I O N
2 IT IS STIPULATED AND AGREED,
3 by and between the parties, through their

4 respective counsel, that the deposition of
5 DAVID GABRIEL WATSON may be taken before
6 Laura H. Nichols, Commissioner, Certified
7 Real time Reporter, Registered Professional
8 Reporter and Notary Public;

9 That the signature to and
10 reading of the deposition by the witness
11 is waived, the deposition to have the same
12 force and effect as if full compliance had
13 been had with all laws and rules of Court
14 relating to the taking of depositions;

15 That it shall not be necessary
16 for any objections to be made by counsel
17 to any questions, except as to form or
18 leading questions, and that counsel for
19 the parties may make objections and assign
20 grounds at the time of trial, or at the
21 time said deposition is offered in
22 evidence, or prior thereto.

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A P P E A R A N C E S

1

2

3 FOR THE PLAINTIFF:

4 Mr. Mr. Morris Lilienthal

5 Attorney at Law

6 Belt Law Firm, P. C.

7 2151 Highland Avenue

8 Suite 310

9 Birmingham, Alabama 35205

10

11 FOR THE DEFENDANTS, OLD REPUBLIC INSURANCE

Watson Deposition.txt
12 COMPANY and TRAVELEX INSURANCE SERVICES,
13 INC. :
14 Mr. Eric B. Langley
15 Attorney at Law
16 Balch & Bingham LLP
17 1710 6th Avenue North
18 Birmingham, Alabama 35203
19
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22
23

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1 A P P E A R A N C E S (Conti nui ng)
2
3 FOR THE DEFENDANT, GET AWAY OF BIRMI NGHAM,
4 INC. :
5 Ms. Jul ie Davi s Pearce
6 Attorney at Law
7 Gaines, Wol ter & Ki nney, P. C.
8 3500 Bl ue Lake Drive, Sui te 425
9 Bi rmi ngham, Al abama 35243
10
11 OTHERS PRESENT:
12 Ms. Frei da Gammi l l
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1 I, Laura H. Nichols, a
2 Certified Realtime Reporter and Registered
3 Professional Reporter of Birmingham,
4 Alabama, and a Notary Public for the State
5 of Alabama at Large, acting as
6 Commissioner, certify that on this date,
7 pursuant to Rule 30 of the Alabama Rules
8 of Civil Procedure and the foregoing
9 stipulation of counsel, there came before
10 me at the law offices of Balch & Bingham
11 LLP, 1710 6th Avenue North, Birmingham,
12 Alabama, Birmingham, Alabama, on April 4,
13 2006, commencing at 10:05 a.m., DAVID
14 GABRIEL WATSON, witness in the above
15 cause, for oral examination, whereupon the
16 following proceedings were had:

17 UNCERTIFIED ROUGH DRAFT

18 DAVID GABRIEL WATSON,
19 being first duly sworn, was examined and
20 testified as follows:

21

10:03:21 22 EXAMINATION BY MR. LANGLEY:

10:03:21 23 Q. Mr. Watson, my name is Eric

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10:05:09 1 Langley. I am a lawyer for Old Republic
10:05:13 2 and Travelex in this lawsuit that you have
10:05:15 3 filed against them. Would you state your
10:05:17 4 name for the record, please?
10:05:18 5 A. David Gabriel Watson.
10:05:20 6 Q. How old are you, Mr. Watson?
10:05:22 7 A. Twenty-nine.
10:05:23 8 Q. What is your date of birth?
10:05:25 9 A. 3/5/77.
10:05:26 10 Q. Where do you live right now?
10:05:28 11 A. Hoover.
10:05:28 12 Q. What is your street address?
10:05:30 13 A. 306 Oak Leaf Circle.
10:05:33 14 Q. How long have you lived at 306
10:05:35 15 Oak Leaf Circle?
10:05:37 16 A. Two and a half years.
10:05:39 17 Q. Is this the residence that you
10:05:43 18 moved to right around the time of your
10:05:45 19 marriage?
10:05:45 20 A. Yes, yeah.
10:05:46 21 Q. When did you close on the
10:05:51 22 house?
10:05:55 23 A. Late summer, early fall, like

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10:05:56 1 August, September, somewhere in there.
10:05:58 2 Q. So within a month or two of
10:06:03 3 your marriage?
10:06:03 4 A. Yes.
10:06:03 5 Q. And this is your marriage to
10:06:05 6 Tina Thomas?
10:06:06 7 A. Yes.
10:06:06 8 Q. Who is deceased?

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10:06:08 9 A. Right.
10:06:08 10 Q. What is Tina's full name?
10:06:11 11 A. Christina Mae Thomas Watson.
10:06:13 12 Q. And that is M-A-E, correct?
10:06:16 13 A. Yes.
10:06:16 14 Q. And how old was Tina at the
10:06:22 15 time of her death?
10:06:22 16 A. Twenty-six.
10:06:23 17 Q. I am correct that she went by
10:06:26 18 Tina?
10:06:27 19 A. Yes.
10:06:27 20 Q. How long had you known Tina?
10:06:38 21 A. Probably three years,
10:06:39 22 somewhere in there.
10:06:40 23 Q. Where did you all meet?

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10:06:42 1 A. UAB.
10:06:42 2 Q. You all were in college?
10:06:43 3 A. Yes.
10:06:44 4 Q. Did you graduate from UAB?
10:06:46 5 A. Yes.
10:06:46 6 Q. With what degree?
10:06:49 7 A. Public relations.
10:06:50 8 Q. Did you get a postgraduate
10:06:53 9 degree?
10:06:53 10 A. No, just a four year.
10:06:55 11 Q. Did you attend any schooling
10:06:57 12 after you got your undergraduate degree?
10:06:59 13 A. No, sir.
10:06:59 14 Q. Is a PR degree a BA?
10:07:08 15 A. Yes, I think so. I believe
10:07:09 16 so.

10:07:09 17 Q. What about Tina, did she
10:07:11 18 graduate from UAB?
10:07:12 19 A. She had -- yes, she had a
10:07:13 20 communications degree.
10:07:14 21 Q. What year did you get your
10:07:20 22 degree?
10:07:27 23 A. I believe it was '02.

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10:07:31 1 Q. What about Tina?
10:07:32 2 A. I think hers was '01.
10:07:34 3 Q. What is Tina's date of birth?
10:07:39 4 A. February 13th, 1977.
10:07:41 5 Q. So she was a couple of weeks
10:07:44 6 older than you?
10:07:45 7 A. Yes.
10:07:46 8 Q. Have you ever given a
10:07:50 9 deposition before?
10:07:51 10 A. No.
10:07:51 11 Q. A deposition is what we are
10:07:54 12 doing here today. And I will be asking
10:07:56 13 you questions, and you will be giving me
10:07:58 14 answers, and you have done a great job
10:08:00 15 with this so far. But wait until I finish
10:08:03 16 my question to give me an answer?
10:08:05 17 A. Okay.
10:08:06 18 Q. It will make it easier on
10:08:08 19 everyone, especially our court reporter
10:08:10 20 who is taking down everything that we say.
10:08:17 21 What do you do for a living right now?
10:08:20 22 A. Sell corrugated boxes.
10:08:22 23 Q. For whom?

10

10:08:23 1 A. Packaging Materials & Supply.
10:08:26 2 Q. Packaging Materials & Supply?
10:08:28 3 A. Correct.
10:08:29 4 Q. Where is that located?
10:08:31 5 A. Street address?
10:08:33 6 Q. City first?
10:08:37 7 A. Birmingham.
10:08:38 8 Q. Do you know the street
10:08:40 9 address?
10:08:40 10 A. 2701 South Park Drive
10:08:43 11 Southwest.
10:08:46 12 Q. Is that a 35226?
10:08:48 13 A. 211.
10:08:49 14 Q. 211? Is that a corporation, a
10:08:52 15 partnership?
10:08:53 16 A. A corporation.
10:08:53 17 Q. So it is Packaging Materials &
10:08:56 18 Supply, Inc.?
10:08:58 19 A. (Nodding), well, Company, Inc.
10:09:00 20 Q. Company, Inc.? How long have
10:09:03 21 you been employed by Packaging Materials &
10:09:06 22 Supply Company, Inc.?
10:09:06 23 A. Off and on, I started in the

10:09:08 1 summers when I was fourteen, fifteen. And
10:09:18 2 then I started working full-time my -- the
10:09:25 3 end of my sophomore year of college. So
10:09:29 4 maybe '98, '97.

10:09:32 5 Q. I take it this is the only job
10:09:36 6 you have ever had?
10:09:37 7 A. No, sir.
10:09:38 8 Q. You have had other jobs?
10:09:39 9 A. Yes, sir.
10:09:40 10 Q. Before you were fourteen or
10:09:41 11 fifteen?
10:09:41 12 A. No, sir, after that.
10:09:42 13 Q. Oh, doing what?
10:09:48 14 A. I worked for about two months
10:09:49 15 at Bruno's when I was in high school, and
10:09:51 16 then I work for Vance Sykes Sales, which
10:09:55 17 was one of our customers, which was the
10:09:57 18 company I worked for my freshman and
10:09:59 19 sophomore year in college.
10:10:01 20 Q. Okay. Since you graduated
10:10:03 21 from college has this been your only job?
10:10:06 22 A. Yes.
10:10:06 23 Q. With Packaging Materials &

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10:10:08 1 Supply Company, Inc.?
10:10:10 2 A. Yes.
10:10:10 3 Q. Who owns that business?
10:10:12 4 A. My dad. Well, my dad and my
10:10:14 5 grandmother.
10:10:15 6 Q. What is your father's name?
10:10:16 7 A. David Watson.
10:10:17 8 Q. He lives in town?
10:10:19 9 A. Yes, sir.
10:10:19 10 Q. What is his address?
10:10:21 11 A. 109 Caliente Drive.
10:10:27 12 Q. Does anyone live with you at

10:10:29 13 306 Oak Leaf Circle?
10:10:31 14 A. No, sir.
10:10:32 15 Q. Where did you live before
10:10:38 16 that?
10:10:38 17 A. Address?
10:10:39 18 Q. Yes.
10:10:39 19 A. 616 Woodland Village. It is
10:10:46 20 Homewood.
10:10:46 21 Q. 35209?
10:10:48 22 A. 35226, I believe.
10:10:56 23 Q. So that is on the other side

13

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10:10:58 1 of I-65?
10:11:00 2 A. Yes, just up the hill from
10:11:02 3 Homewood High School. I don't remember if
10:11:03 4 it was 226 or 216, but --
10:11:11 5 Q. When were you and Tina
10:11:18 6 engaged?
10:11:20 7 A. Easter of '03.
10:11:24 8 Q. Where did you propose to her?
10:11:29 9 A. At her apartment.
10:11:29 10 Q. Did she say yes the first
10:11:32 11 time?
10:11:33 12 A. Well, kind of sort of. There
10:11:37 13 was kind of a running joke because she
10:11:40 14 jumped up screaming so there was really
10:11:42 15 never a yes or no, so it was kind of a
10:11:44 16 joke at the wedding.
10:11:45 17 Q. Kind of like standing at the
10:11:48 18 altar and what is the answer?
10:11:50 19 A. Yeah, pretty much.
10:11:51 20 Q. Do Tina's parents 95 town?

10:11:56 21

A. Helena.

10:11:56 22

Q. What are their names?

10:11:58 23

A. Tommy and Cindy.

14

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10:12:00 1

Q. Do you still keep in contact

10:12:05 2

with them?

10:12:06 3

A. No, sir.

10:12:09 4

Q. Have you all had like a

10:12:10 5

falling out or anything, or is that just

10:12:12 6

because you all are not connected through

10:12:14 7

Tina anymore?

10:12:16 8

A. They have done some things

10:12:17 9

that made me just decide I am better off

10:12:23 10

not talking to them.

10:12:29 11

Q. When was the last time you

10:12:30 12

talked to either of her parents?

10:12:34 13

A. Probably within a few months

10:12:35 14

after the funeral.

10:12:36 15

Q. The funeral was in early

10:12:46 16

November of 2003?

10:12:48 17

A. November the 5th.

10:12:53 18

Q. Where was the funeral held?

10:12:55 19

A. Southern Heritage.

10:12:56 20

Q. Where is that?

10:12:58 21

A. Down by Oak Mountain. It is

10:13:01 22

at 119, I believe.

10:13:02 23

Q. Is that a funeral home and

15

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10:13:04 1

cemetery?

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10:13:04 2 A. Yes.
10:13:05 3 Q. Is that where Tina is buried?
10:13:07 4 A. Yes.
10:13:13 5 Q. Is she buried in a family plot
10:13:15 6 Plot or --
10:13:16 7 A. Yes.
10:13:16 8 Q. A Watson family plot?
10:13:18 9 A. Well, it doesn't have a marker
10:13:20 10 up yet, but, yes, sir.
10:13:21 11 Q. What church were you all
10:13:38 12 married in?
10:13:38 13 A. Southside Baptist.
10:13:39 14 Q. Is that where you all attended
10:13:42 15 church?
10:13:43 16 A. No, sir.
10:13:43 17 Q. Where did you all attend?
10:13:46 18 A. I used to go to Shades Crest
10:13:48 19 Baptist.
10:13:49 20 Q. What about her?
10:13:53 21 A. I'm not sure.
10:13:59 22 Q. Do you know if she went to
10:14:00 23 church at all?

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10:14:01 1 A. I know she did off and on, but
10:14:03 2 I don't know the name of the church.
10:14:04 3 Q. Was she a Baptist?
10:14:05 4 A. I believe so.
10:14:13 5 Q. Do you still attend Shades
10:14:15 6 Crest Baptist?
10:14:16 7 A. No, sir.
10:14:18 8 Q. Do you go somewhere else?
10:14:19 9 A. No, sir.

10:14:19 10 Q. How did you come to decide on
10:14:31 11 going to Australia for your honeymoon?

10:14:34 12 A. Basically I had always wanted
10:14:35 13 to go. I was going to go there when I
10:14:38 14 graduated from UAB, and then we started
10:14:41 15 dating. So we just kind of started
10:14:45 16 talking and decided I would hold off after
10:14:48 17 I graduated and we would go on our
10:14:50 18 honeymoon there.

10:14:50 19 Q. You had never been to
10:14:52 20 Australia?

10:14:53 21 A. No, sir.

10:14:53 22 Q. Had Tina?

10:14:54 23 A. No, sir, not to my knowledge,

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10:14:56 1 she hadn't.

10:14:57 2 Q. As I understand, one of the
10:15:03 3 purposes of the trip was to go diving?

10:15:05 4 A. Yes, sir.

10:15:05 5 Q. Were you a diver before this?

10:15:09 6 A. Was I certified before?

10:15:10 7 Q. Yeah, had you been diving for
10:15:13 8 some number of years?

10:15:14 9 A. Yes. Yes.

10:15:15 10 Q. How long had you been diving?

10:15:20 11 A. I'm going to guess. Australia
10:15:22 12 still has all my stuff. I am going to say
10:15:25 13 late '90s, but, you know, I don't know.

10:15:27 14 Q. When you say Australia still
10:15:29 15 has all your stuff, what do you mean?

10:15:32 16 A. Town sell police.

10:15:33 17 Q. What do they have?

10:15:36 18 A. All the diving stuff, all the
10:15:37 19 records. They have all her stuff, and
10:15:39 20 they have my certification cards and
10:15:41 21 logbook. So there's basically no record.
10:15:47 22 Q. I am not a diver so you will
10:15:49 23 have to excuse me if I am asking some

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10:15:51 1 questions and not using the right
10:15:53 2 terminology but work with me on this.
10:15:55 3 Divers keep something called a logbook?
10:15:57 4 A. Yes.
10:15:57 5 Q. And that is a book where you
10:15:59 6 record the time and depth of each of your
10:16:01 7 dives?
10:16:02 8 A. Yes.
10:16:02 9 Q. And the location of each of
10:16:04 10 your dives?
10:16:04 11 A. Yes.
10:16:04 12 Q. What other information do you
10:16:06 13 record?
10:16:08 14 A. Pretty much everything. It
10:16:09 15 has got -- you have got a running log of
10:16:13 16 your time so you know exactly how many
10:16:15 17 minutes, hours, you have been underwater
10:16:17 18 since you first started diving. It has
10:16:19 19 got the maximum depth, your maximum time,
10:16:22 20 your decompression time, if any, what you
10:16:25 21 saw.
10:16:28 22 Q. Do you have to have that with
10:16:29 23 you on dives to be eligible for certain

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10:16:32 1 types?
10:16:33 2 A. You are supposed to because it
10:16:34 3 is basically the only proof you have, but
10:16:41 4 I don't think you have to, but most places
10:16:43 5 require it.
10:16:44 6 Q. When you make an entry in your
10:16:46 7 logbook, does an instructor or one of the
10:16:48 8 guides sign off on it?
10:16:53 9 A. They sign off when you make
10:16:54 10 your certification dives. I don't know
10:16:56 11 how many dives you do, but they sign off
10:16:59 12 on it in the early stages.
10:17:09 13 Q. You think you got certified
10:17:11 14 sometime in the late '90s?
10:17:13 15 A. I believe so.
10:17:13 16 Q. Did you take like a course in
10:17:16 17 college for this?
10:17:17 18 A. No, sir.
10:17:17 19 Q. How did you get certified?
10:17:18 20 A. The Dive Site.
10:17:20 21 Q. Just explain to me the
10:17:22 22 certification process.
10:17:23 23 A. Basically, we went -- I was

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10:17:25 1 with a friend, we went into the store
10:17:27 2 because we had gone to eat lunch and we
10:17:32 3 were talking and I thought it would always
10:17:33 4 be cool to go diving and he said the same
10:17:36 5 thing. So we went in, just kind of

10:17:38 6 checked into it and signed up.
10:17:39 7 Q. You went into a store?
10:17:43 8 A. Yes, sir.
10:17:44 9 Q. What store was that?
10:17:44 10 A. It was over here at Wildwood,
10:17:47 11 The Dive Site, but they are no longer
10:17:48 12 there.
10:17:49 13 Q. Did they have an onsite
10:17:53 14 training facility?
10:17:54 15 A. No, sir.
10:17:54 16 Q. Like a pool or anything?
10:17:57 17 A. No, sir.
10:17:58 18 Q. So where did you do your
10:18:01 19 training to receive your certification?
10:18:04 20 A. We did the pool sessions at a
10:18:06 21 YMCA. I don't think it was Shades Valley,
10:18:09 22 but we did them at an outside pool. And
10:18:12 23 then we went down to Panama City to do the

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10:18:16 1 open-water stuff and also Blue Water out
10:18:19 2 in Pelham.
10:18:20 3 Q. Is Blue Water that old rock
10:18:23 4 quarry that they have filled up?
10:18:25 5 A. Filled up, like filled in.
10:18:26 6 Q. With water?
10:18:28 7 A. Oh, yes. Yes.
10:18:36 8 Q. So the same of the company
10:18:38 9 through whom you got your original
10:18:40 10 certification is dive site?
10:18:41 11 A. The Dive Site, Inc.
10:18:46 12 Q. And did I understand you
10:18:47 13 correctly to say that the Townsville

10:18:49 14 Police has all your certification?
10:18:51 15 A. Yes, sir.
10:18:51 16 Q. Anything that relates to your
10:18:53 17 previous dives or certification, your
10:18:55 18 training, that is in the possession of the
10:18:57 19 Townsville Police?
10:18:58 20 A. Yes, sir, they kept all my
10:18:59 21 certification cards and the logbook and
10:19:02 22 dive computer.
10:19:02 23 Q. They didn't give you copies to

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10:19:04 1 take back with you?
10:19:05 2 A. No, sir.
10:19:05 3 Q. Do you know why they kept
10:19:07 4 them?
10:19:07 5 A. No, sir.
10:19:11 6 Q. Have you asked for them back?
10:19:13 7 A. Yes, sir.
10:19:14 8 Q. What have they said?
10:19:15 9 A. They won't release anything
10:19:16 10 until the investigation is complete.
10:19:21 11 Q. Is this an investigation
10:19:23 12 relating to the cause of Tina's death?
10:19:25 13 MR. LILIENTHAL: Object to the
10:19:26 14 form.
10:19:27 15 Q. (BY MR. LANGLEY:) If you
10:19:28 16 know.
10:19:28 17 A. You have got me. I don't know
10:19:30 18 what -- I don't know what the deal is.
10:19:31 19 Q. I mean, do you know if they
10:19:33 20 are investigating the dive company or
10:19:35 21 what?

10:19:36 22 A. Town sill police are not.
10:19:43 23 Q. Do you know if some other

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10:19:44 1 authority is investigating the dive
10:19:47 2 company?
10:19:47 3 A. Yes.
10:19:47 4 Q. What is that?
10:19:48 5 A. I believe it is called The
10:19:51 6 Workplace Safety. It is the Australian
10:19:53 7 version of OSHA, whatever the proper name
10:19:55 8 is.
10:19:57 9 Q. This dive company was Mike
10:20:01 10 Ball Dive Expeditions?
10:20:02 11 A. Yes, sir.
10:20:02 12 Q. Do you believe that they did
10:20:13 13 anything wrong to cause your wife's death?
10:20:16 14 MR. LILIENTHAL: Object to the
10:20:16 15 form. Go ahead.
10:20:23 16 A. Can I ask a question.
10:20:27 17 Q. (BY MR. LANGLEY:) Sure.
10:20:27 18 A. If somebody was to look at
10:20:28 19 this and if I was to say yes, I do
10:20:30 20 believe, is that slanderous or libelous?
10:20:34 21 I mean --
10:20:35 22 Q. That is probably a question
10:20:37 23 that your attorney should answer rather

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10:20:40 1 than me.
10:20:40 2 MR. LILIENTHAL: Let's take
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10:20:45 3 this off.

10:21:55 4 (Off-the-record discussion.)

10:21:55 5 MR. LILIENTHAL: We are ready,
10:21:57 6 Eric.

10:21:58 7 Q. (BY MR. LANGLEY:) Mr. Watson,
10:21:58 8 before we had taken a break, I asked you
10:22:00 9 if you thought Mike Ball Diving Expedition
10:22:03 10 did anything to contribute to your wife's
10:22:04 11 death. Do you have an opinion on that?

10:22:06 12 A. Yes, sir.

10:22:06 13 Q. I mean, what is your opinion?

10:22:08 14 MR. LILIENTHAL: First, I am
10:22:09 15 going to say and say he is not a medical
10:22:12 16 expert or a diving expert or anything like
10:22:15 17 that, but to his knowledge, I will let him
10:22:17 18 answer.

10:22:17 19 A. In my opinion, I believe that
10:22:19 20 they started out with too extremely
10:22:22 21 difficult dive, especially for somebody
10:22:27 22 that was a beginning diver.

10:22:30 23 Q. (BY MR. LANGLEY:) Did they

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10:22:31 1 know she was a beginner?

10:22:33 2 A. Yes.

10:22:34 3 Q. As I understand, your first
10:22:38 4 dive was at a site called the Yongala Wreck?

10:22:43 5 A. Yes.

10:22:43 6 Q. Did I pronounce it right?

10:22:45 7 A. I think so. I have heard it
10:22:46 8 pronounced several ways.

10:22:47 9 Q. What is it about that dive
10:22:49 10 that you believe was too difficult for a

10:22:51 11 novice?
10:22:56 12 A. It is open water, middle of
10:22:57 13 the changing tied, it is a wreck, from
10:22:59 14 what I was told, it is a hundred feet
10:23:02 15 deep, murky water. It wasn't even a dive
10:23:05 16 that I would have felt all that
10:23:08 17 comfortable going on.
10:23:09 18 Q. Why did you go on it?
10:23:11 19 A. Because we didn't know any of
10:23:12 20 that stuff until we were in the water.
10:23:14 21 Q. You learned that stuff later?
10:23:16 22 A. Yes, sir.
10:23:16 23 Q. How did you end up leaving

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10:23:25 1 this stuff?
10:23:26 2 A. Which stuff are you referring
10:23:27 3 to?
10:23:28 4 Q. About the difficulty of the
10:23:33 5 Yongala Dive and some of the conditions in
10:23:36 6 the water?
10:23:37 7 A. From being in it.
10:23:38 8 Q. How long were you in the water
10:23:40 9 on that dive?
10:23:41 10 A. I believe less than fifteen
10:23:42 11 minutes.
10:23:43 12 Q. I want to go back in time to
10:23:53 13 when you were planning your trip to
10:23:55 14 Australia. I understand that you used Get
10:23:58 15 Away Travel to arrange at least your
10:24:00 16 flight; is that correct?
10:24:03 17 A. Night and hotels.
10:24:10 18 Q. Is that all that Get Away

10:24:12 19 Travel arranged for you?
10:24:13 20 A. The insurance, the trip
10:24:14 21 insurance.
10:24:17 22 Q. Are you talking about the
10:24:18 23 policy issued by my clients?

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10:24:22 1 A. Travel ex and Old Republic.
10:24:31 2 Q. Travel ex and Old Republic.
10:24:33 3 Were your arrangements handled with Get
10:24:36 4 Away over the phone or did you meet with
10:24:38 5 them in person?
10:24:38 6 A. In person.
10:24:39 7 Q. Who did you meet with in
10:24:40 8 person?
10:24:41 9 A. Freida.
10:24:41 10 Q. Anyone else?
10:24:43 11 A. At Get Away?
10:24:47 12 Q. (Nodding).
10:24:47 13 A. No, sir, all the trip planning
10:24:50 14 was handled through --
10:24:51 15 Q. So you may have met other
10:24:53 16 office employees?
10:24:54 17 A. I talked to her husband, yes.
10:24:55 18 Q. But when it came to the actual
10:24:57 19 business that you were there for, that was
10:24:59 20 handled between you and Freida?
10:25:01 21 A. Yes, sir.
10:25:02 22 Q. Was there anyone else like
10:25:03 23 your father or a friend that came to any

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10:25:05 1 of those meetings with you?
10:25:06 2 A. No, sir.
10:25:08 3 Q. How many meetings did you have
10:25:09 4 with Mrs. Gammi II?
10:25:19 5 A. I am going to say three or
10:25:20 6 four.
10:25:21 7 Q. And I assume there were
10:25:22 8 telephone calls also?
10:25:25 9 A. That I don't know. I know I
10:25:27 10 called a couple of times to ask about this
10:25:29 11 or that, but as far as planning the trip
10:25:33 12 part, that was always in their office.
10:25:45 13 Q. When were these meetings that
10:25:47 14 you had with Mrs. Gammi II?
10:25:52 15 A. The dates?
10:25:53 16 Q. If you know them, or the time
10:25:55 17 frames.
10:25:55 18 A. I am going to say August and
10:26:03 19 September, but it could have been in July.
10:26:06 20 I'm just not sure.
10:26:07 21 Q. This was of 2003?
10:26:10 22 A. Yes, sir.
10:26:10 23 Q. Do you remember when in the

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10:26:12 1 process the subject of travel insurance
10:26:15 2 first arose as between you and
10:26:18 3 Mrs. Gammi II?
10:26:21 4 A. I don't know the specific
10:26:22 5 time. I know it was after we had a total
10:26:25 6 dollar amount, what the trip was going to

10:26:28 7 cost.

10:26:28 8 Q. So is that somewhere towards
10:26:31 9 the end of the planning?

10:26:32 10 A. Yes, sir.

10:26:32 11 Q. And what do you recall

10:26:42 12 Mrs. Gammill saying about travel
10:26:44 13 insurance?

10:26:44 14 A. The first time that -- excuse
10:26:47 15 me. The first time that I heard anything
10:26:49 16 about it, I just remember her suggesting,
10:26:52 17 you know, with the trip costing as much as
10:26:54 18 it was going to cost, it might be
10:26:56 19 something worth looking into.

10:27:02 20 Q. Did she say anything else
10:27:03 21 about it?

10:27:03 22 A. Well, that was the first time
10:27:05 23 I heard anything. Then the next time I

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10:27:07 1 was in there was when she showed me this
10:27:10 2 brochure.

10:27:55 3 MR. LANGLEY: Let's go off the
10:27:57 4 record for a second.

10:27:58 5 (Whereupon, Defendant's
6 Exhibit 1 was marked for
10:28:26 7 identification.)

10:28:26 8 MR. LANGLEY: Back on.

10:28:29 9 Q. (BY MR. LANGLEY:) Mr. Watson,
10:28:29 10 I am showing you what I have marked as
10:28:31 11 Exhibit 1 to your deposition. Take among
10:28:33 12 to look through that. I have a few
10:28:35 13 questions about it for you. Is that a
10:29:08 14 copy of the brochure that Mrs. Gammill

10:29:10 15 showed you?

10:29:11 16 A. It appears to be.

10:29:12 17 Q. Did she do anything other than
10:29:20 18 just hand you the brochure?

10:29:21 19 A. We discussed trip insurance.

10:29:28 20 Q. Tell me everything you recall
10:29:29 21 about that discussion.

10:29:30 22 A. I believe her saying that when
10:29:32 23 she handed me these brochures, said that

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10:29:36 1 she believed this was a good one because
10:29:38 2 it would cover everything even if there
10:29:42 3 was some type of terrorist attack.

10:29:43 4 And then I remember asking her,
10:29:45 5 you know, if it would cover diving since,
10:29:47 6 you know, a large portion of the trip was
10:29:49 7 going to be diving. She thumbed through
10:29:53 8 it and said if it is not explicitly
10:29:57 9 excluded, then it is considered to be
10:30:00 10 included in the coverage.

10:30:06 11 Q. Is that it?

10:30:07 12 A. Yeah, I mean as far as
10:30:12 13 discussing the policy, I believe that was
10:30:14 14 about it. Well, I called her back ones to
10:30:18 15 ask her about what name I put on there
10:30:20 16 because it had something about a carrier
10:30:22 17 or something.

10:30:27 18 Q. Did you know what she meant
10:30:29 19 when she said explicitly excluded?

10:30:32 20 A. That if it didn't say it in
10:30:33 21 this brochure, that it, you know, didn't
10:30:36 22 cover it, that it was to be considered

10:30:38 23 covered.

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10:30:39 1 Q. Did she make a specific
10:30:42 2 reference to that brochure or just to
10:30:44 3 exclusions?

10:30:48 4 A. What do you mean?

10:30:49 5 Q. Do you remember her saying
10:30:50 6 that, unless it was specifically excluded
10:30:53 7 in that brochure, then it was covered, or
10:30:55 8 just that, unless it was specifically
10:30:57 9 excluded, it was covered?

10:30:59 10 A. She was referring to the
10:31:01 11 brochure.

10:31:01 12 Q. How do you know that?

10:31:02 13 A. Because I had the brochure and
10:31:04 14 I asked her if diving was covered. And
10:31:06 15 she took the brochure and gave it one of
10:31:12 16 these (demonstrating), looking through it,
10:31:15 17 and then said it doesn't say that diving
10:31:18 18 is excluded, then it is considered to be
10:31:20 19 included.

10:31:21 20 Q. Did you read the brochure?

10:31:23 21 A. Yes, sir.

10:31:23 22 Q. Did you read all of it --

10:31:25 23 A. Yes, sir.

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10:31:25 1 Q. -- before you filled out the
10:31:26 2 enrollment form?

10:31:27 3 A. You are talking about the
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10:31:28 4 enrollment form on the back?
10:31:30 5 Q. Right.
10:31:31 6 A. Yes, sir.
10:31:31 7 Q. If you will, please, look at
10:31:43 8 Page 7, numbered Page 7 of the brochure
10:31:47 9 marked as Exhibit 1. Do you see it?
10:31:49 10 A. Yes.
10:31:49 11 Q. About a third of the way down
10:31:51 12 where it says "Restrictions of
10:31:54 13 Coverage" --
10:31:54 14 A. Yes, sir.
10:31:55 15 Q. It references some conditions,
10:32:01 16 exclusions and limitations that apply as
10:32:04 17 set out in the Evidence of Coverage and
10:32:06 18 Confirmation of Coverage. Do you see
10:32:08 19 that?
10:32:08 20 A. Yes, sir.
10:32:08 21 Q. And then two paragraphs down,
10:32:13 22 it says, "To view these limitations and
10:32:15 23 exclusions, visit our website at

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10:32:18 1 www.travel-ex-insurance.com." Do you see
10:32:23 2 that?
10:32:24 3 A. Yes, sir.
10:32:24 4 Q. Did you go to that website?
10:32:25 5 A. No, sir.
10:32:26 6 Q. Why not?
10:32:30 7 A. Because at the time I was in
10:32:31 8 the process of moving into a new house.
10:32:33 9 Just about everything I owned, other than
10:32:35 10 clothing, was in boxes.
10:32:40 11 Q. I gather what you are saying

10:32:41 12 is is you didn't have access to your
10:32:43 13 computer at home?
10:32:44 14 A. Correct.
10:32:44 15 Q. So you couldn't get on the
10:32:50 16 internet?
10:32:50 17 A. Correct.
10:32:51 18 Q. Did you call Mrs. Gamill or
10:32:57 19 anyone else and say I need to look at
10:33:00 20 these but I don't have access to a
10:33:02 21 computer?
10:33:03 22 A. No, sir.
10:33:03 23 Q. Do you have an office at your

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10:33:06 1 place of business?
10:33:07 2 A. We have an office but I
10:33:08 3 personally do not have an office.
10:33:09 4 Q. Do you have access to a
10:33:11 5 computer at your office?
10:33:15 6 A. We have an office building but
10:33:16 7 I don't have an office.
10:33:17 8 Q. But at your place of business,
10:33:19 9 do you have access to a computer?
10:33:23 10 A. If someone is not there, I can
10:33:25 11 use their computer. But there are two
10:33:27 12 computers and two desks and two people
10:33:29 13 sitting at those desks.
10:33:31 14 Q. Who are those two people?
10:33:35 15 A. Pam Brown and David Watson.
10:33:40 16 Q. David Watson, your father?
10:33:46 17 A. Yes, sir.
10:33:46 18 Q. Is Pam Brown related to you?
10:33:48 19 A. Yes.

10:33:48 20 Q. How are you related to Pam
10:33:50 21 Brown?
10:33:50 22 A. She is my aunt.
10:33:51 23 Q. Your dad's sister?

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10:33:53 1 A. No, sir.
10:33:53 2 Q. Mother's sister?
10:33:54 3 A. Yes.
10:33:55 4 Q. Did you ever ask one of them
10:34:01 5 if you could use their computer for the
10:34:04 6 purpose of --
10:34:05 7 A. When, during that time?
10:34:06 8 Q. Yes.
10:34:06 9 A. No, sir, I hardly even worked
10:34:08 10 during that time.
10:34:15 11 Q. Do you have a business email
10:34:17 12 address?
10:34:18 13 A. Yes and no.
10:34:18 14 Q. Can you explain that for me?
10:34:22 15 A. I have one, but I don't use
10:34:24 16 it.
10:34:24 17 Q. What is your business email
10:34:26 18 address?
10:34:27 19 A. gabe@packagingmaterials.biz.
10:34:36 20 Q. Is "packaging" and "materials"
10:34:39 21 all one word?
10:34:40 22 A. Yes.
10:34:41 23 Q. But you don't use that?

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Watson Deposition.txt

10:34:42 1 A. No, sir.
10:34:43 2 Q. Have you ever used it?
10:34:53 3 A. Rarely.
10:34:53 4 Q. When you say rarely, are we
10:34:55 5 talking less than ten times total?
10:34:57 6 A. Probably so. When I first set
10:34:59 7 it up, I used it a couple of times.
10:35:01 8 Q. When was it set up?
10:35:02 9 A. Whenever we got our website.
10:35:04 10 Q. When was that?
10:35:05 11 A. Oh, I don't know. I mean
10:35:08 12 four, maybe five years ago. But that
10:35:11 13 is -- I mean, that is just an absolute
10:35:13 14 guess.
10:35:19 15 Q. It was before summer of 2003,
10:35:22 16 though?
10:35:22 17 A. I am pretty sure.
10:35:28 18 Q. You have a personal email
10:35:30 19 address, don't you?
10:35:31 20 A. Yes.
10:35:32 21 Q. What is it right now?
10:35:33 22 A. I have several.
10:35:34 23 Q. What are they?

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10:35:35 1 A. There's gabe1977@charter.net,
10:35:41 2 gabe1977@bigfoot.com and then I have got
10:35:45 3 an old Yahoo one.
10:35:46 4 Q. What is the Yahoo one?
10:35:49 5 A. z71man47@yahoo.com.
10:35:55 6 Q. z71man47@yahoo.com?
10:35:59 7 A. Yes, sir.

10:36:00 8 Q. How long have you had the
10:36:08 9 charter email address.
10:36:19 10 A. I have had it twice, I
10:36:21 11 believe. Well, no, I take it back. I had
10:36:22 12 it in the condo, so four or five years,
10:36:25 13 maybe.
10:36:32 14 Q. Did you have this one at the
10:36:34 15 time you purchased the Traveler policy?
10:36:36 16 A. Yes, sir, I believe so.
10:36:37 17 Q. What about the bigfoot.com
10:36:40 18 address?
10:36:41 19 A. It is a forwarding address.
10:36:42 20 It is the one that I give to everybody so
10:36:45 21 that if I get rid of Charter, I don't have
10:36:46 22 to change my email address.
10:36:51 23 Q. But if I typed in, as your

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10:36:54 1 email address, gabe1977@bigfoot.com, it
10:36:58 2 would go to you whether you are using
10:37:01 3 charter or BellSouth?
10:37:02 4 A. Yes.
10:37:02 5 Q. And what about the
10:37:05 6 z71man47@yahoo.com?
10:37:07 7 A. I have had that one since I
10:37:08 8 started college.
10:37:09 9 Q. Do you still use it?
10:37:11 10 A. Just for Fantasy Baseball and
10:37:15 11 Fantasy Football and stuff like that. I
10:37:16 12 don't use it for email.
10:37:18 13 Q. How long have you played
10:37:26 14 Fantasy Baseball?
10:37:34 15 A. Most of the time I was in

10:37:35 16 college.
10:37:35 17 Q. Any since?
10:37:36 18 A. Do what?
10:37:37 19 Q. Have you played it any since?
10:37:39 20 A. Oh, I played it a couple of
10:37:40 21 times. It is harder to get everybody
10:37:43 22 together now.
10:37:46 23 Q. Did you play during the season

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10:37:47 1 that would have covered the time frame
10:37:49 2 that you were planning your honeymoon?
10:37:54 3 A. I don't think so.
10:37:54 4 Q. Which would have been
10:37:56 5 summer/fall of 2003?
10:38:03 6 A. I don't think so but I'm not
10:38:04 7 positive.
10:38:05 8 Q. I have never played fancy
10:38:07 9 baseball, but does it require regular
10:38:11 10 signing on to the site to check your stats
10:38:14 11 and how your players are doing?
10:38:16 12 A. No, it doesn't. You can set
10:38:18 13 your -- you can set your line-up up months
10:38:22 14 in advance. You can do the whole season
10:38:24 15 in one day and never go back to the end of
10:38:26 16 the season, if you want to.
10:38:28 17 Q. Is that how you would play it,
10:38:29 18 though?
10:38:30 19 A. Which way?
10:38:30 20 Q. I mean, would you just wait
10:38:32 21 until the end of the season and see what
10:38:34 22 your results were? Did you check every
10:38:36 23 now and again?

10:38:36 1 A. I would probably check every
10:38:38 2 couple of weeks or something.
10:38:46 3 Q. Where was Tina working at the
10:38:47 4 time that you were planning your
10:38:49 5 honeymoon?
10:38:50 6 A. Parisian's.
10:38:50 7 Q. What did she do there?
10:38:55 8 A. She was a manager in the
10:38:56 9 children's department.
10:38:57 10 Q. What was her degree in?
10:39:06 11 A. Communications.
10:39:10 12 Q. How long had she worked at
10:39:12 13 Parisian's?
10:39:13 14 A. She worked at Parisian's the
10:39:14 15 whole time I knew her, but I don't have
10:39:16 16 any idea how long before then.
10:39:21 17 Q. She was working there while
10:39:23 18 she was in college?
10:39:24 19 A. Yes.
10:39:24 20 Q. I guess, as a manager, she
10:39:33 21 probably worked out on the floor mostly.
10:39:37 22 A. I believe so.
10:39:37 23 Q. Have you ever been to her

10:39:39 1 place of employment?
10:39:40 2 A. Yeah, I have been there.
10:39:41 3 Q. I mean, while she was working
10:39:44 4 there?

10:39:44 5 A. Yes.
10:39:45 6 Q. Do you know if she had an
10:39:48 7 office?
10:39:49 8 A. They had offices with
10:39:51 9 cubicles, but I don't know if she had --
10:39:53 10 if she had a personal one or not.
10:39:59 11 Q. Did you ever ask her, do you
10:40:00 12 have access to a computer I can use?
10:40:02 13 A. No.
10:40:02 14 Q. You had mentioned that you had
10:40:30 15 a follow-up conversation with Mrs. Gamill
10:40:33 16 where you were asking how to fill out the
10:40:35 17 enrollment form; was that correct?
10:40:37 18 A. Yes.
10:40:37 19 Q. Do you remember what she told
10:40:40 20 you in that conversation?
10:40:46 21 A. Not specifically. I asked her
10:40:52 22 the name of the operator and name of the
10:40:54 23 crews line, if I was supposed to put

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10:40:56 1 anything for that.
10:40:57 2 Q. What did she say?
10:40:59 3 A. I don't have any idea. I know
10:41:02 4 she told me what to put for the tour
10:41:03 5 operator but I don't remember for the
10:41:05 6 crews line, if she told me to put anything
10:41:09 7 for that or not.
10:41:09 8 Q. By crews line, are you talking
10:41:11 9 about the dive boat?
10:41:12 10 A. Yeah, that is what I was
10:41:13 11 referring to. I didn't know.
10:41:15 12 (Whereupon, Defendant's

13 Exhibit 2 was marked for
10:41:18 14 identification.)
10:41:18 15 Q. (BY MR. LANGLEY:) Let me show
10:41:19 16 you what I have marked as Exhibit 2. Do
10:41:21 17 you recognize that document?
10:41:26 18 A. Yes.
10:41:27 19 Q. What is it?
10:41:28 20 A. It looks like the part of the
10:41:31 21 brochure that I mailed in for the trip
10:41:38 22 coverage.
10:41:39 23 Q. On the bottom left, is that

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10:41:41 1 your signature?
10:41:42 2 A. Yes.
10:41:42 3 Q. And below, to the right,
10:41:44 4 underneath your signature, there's a date
10:41:51 5 there, is that the date that you filled
10:41:52 6 out this form?
10:41:59 7 A. I would assume so but I don't
10:42:01 8 know.
10:42:01 9 Q. Can you think of any reason
10:42:02 10 you would have put a date other than when
10:42:05 11 you filled out the form?
10:42:05 12 A. Maybe the date I mailed it. I
10:42:07 13 don't know.
10:42:12 14 Q. Do you know how much time
10:42:13 15 elapsed between when Mrs. Gamill gave you
10:42:16 16 the brochure that we marked as Exhibit 1
10:42:19 17 and the time that you sent in this
10:42:20 18 enrollment form?
10:42:22 19 A. No.
10:42:22 20 Q. Do you think it was less than

10:42:28 21 a week?

10:42:28 22 A. If I had to guess, I would say

10:42:30 23 it would have been.

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10:42:31 1 Q. Is that a guess or is that --

10:42:34 2 A. Yeah, I am guessing. Yeah,
10:42:36 3 high probability it was probably a week or
10:42:38 4 less.

10:42:48 5 Q. And did I understand you
10:42:49 6 correctly to say earlier that at no time
10:42:52 7 did you ask Mrs. Gammill about these
10:42:54 8 limitations and exclusions that are
10:42:56 9 mentioned in the brochure?

10:43:01 10 A. Did I never ask her --

10:43:03 11 Q. Did you ever ask her about the
10:43:04 12 limitations and exclusions?

10:43:06 13 A. Yes. Yes.

10:43:06 14 Q. What did you ask her about the
10:43:08 15 limitations and exclusions?

10:43:09 16 A. If diving would be covered and
10:43:11 17 that was when she said that yes, it would.

10:43:13 18 Q. Were you asking that question
10:43:21 19 generally or with respect to one of the
10:43:22 20 specific coverages in the policy?

10:43:25 21 A. What do you mean?

10:43:26 22 Q. That may have been a bad
10:43:27 23 question. You understood that the

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10:43:29 1 Traveler policy had different coverages
10:43:31 2 for different types of things?

10:43:35 3 A. What types of things? Like
10:43:36 4 what is --

10:43:37 5 MR. LILIENTHAL: Eric, are you
10:43:38 6 referring to like accidental death may
10:43:41 7 cover one thing, baggage one thing, trip
10:43:44 8 interruption one thing?

10:43:46 9 MR. LANGLEY: Yeah.

10:43:47 10 A. No, I wanted to make sure that
10:43:49 11 if one of us ruptured an ear or something
10:43:52 12 like that, that we would have coverage if
10:43:54 13 we had to miss the flight coming back.

10:43:56 14 That is why I wanted to make sure that if
10:43:58 15 one of us did something diving, that it
10:44:00 16 would be covered.

10:44:02 17 Q. (BY MR. LANGLEY:) I
10:44:02 18 understand you did have an ear injury in
10:44:04 19 the Yongala Dive?

10:44:05 20 A. Yes.

10:44:05 21 Q. Tell me about that.

10:44:06 22 A. I had, I believe she called
10:44:08 23 it -- oh, would you, severe barotrauma. I

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10:44:20 1 think that is correct.

10:44:20 2 Q. Is that the first time you had
10:44:22 3 ever been injured on a dive?

10:44:25 4 A. Injured like that, yes.

10:44:26 5 Q. You had had some minor
10:44:30 6 injuries before?

10:44:31 7 A. I had gotten an inner ear
10:44:33 8 infection before.

10:44:34 9 Q. Just like swimmer's ear?
10:44:37 10 A. I guess. I don't know. I was
10:44:40 11 concerned with diving for a whole week
10:44:42 12 that I might, you know, end up with an
10:44:45 13 inner ear infection and if I couldn't fly
10:44:47 14 and we had to knock the flight back, that
10:44:49 15 this would cover it.
10:44:58 16 Q. Did you ever speak to anyone
10:45:00 17 at Traveler or at Old Republic prior to
10:45:05 18 sending in your enrollment form?
10:45:07 19 A. At Traveler or Old Republic?
10:45:08 20 No, I don't believe so.
10:45:09 21 Q. Did you speak to anyone else
10:45:11 22 besides Mrs. Gamill about the Traveler
10:45:16 23 travel insurance?

UNCERTIFIED ROUGH DRAFT

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10:45:17 1 A. I don't understand, not before
10:45:18 2 the trip.
10:45:41 3 (Whereupon, Defendant's
4 Exhibit 3 was marked for
10:45:42 5 identification.)
10:45:42 6 Q. (BY MR. LANGLEY:) Let me show
10:45:43 7 you what I have marked as Exhibit 3. Do
10:45:45 8 you recognize that document?
10:45:50 9 A. Not off the top of my head.
10:45:55 10 Q. Take a moment to look at it
10:45:57 11 and see if it refreshes your recollection.
10:46:21 12 A. I don't know. I mean, I can't
10:46:22 13 say yes or no either way.
10:46:23 14 Q. But you knew you would be
10:46:25 15 receiving a document called the
10:46:27 16 Confirmation of Coverage, though, didn't

10:46:28 17 you?

10:46:29 18 A. I knew I would be receiving
10:46:32 19 something from them.

10:46:33 20 Q. Specifically did you know you
10:46:35 21 were going to receive something called the
10:46:36 22 Evidence of Coverage and Confirmation of
10:46:39 23 Coverage?

UNCERTIFIED ROUGH DRAFT

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10:46:39 1 A. I knew I was getting something
10:46:40 2 that was supposed to verify that I am
10:46:42 3 covered, that I have gotten the stuff.

10:46:44 4 Q. Because that is what you had
10:46:46 5 read in the brochure?

10:46:47 6 A. Right.

10:46:47 7 Q. Do you remember what, if
10:46:49 8 anything, you did receive after you sent
10:46:51 9 your enrollment form in?

10:46:56 10 A. I know I received some form
10:46:58 11 that had verified that yes, we received
10:47:02 12 your payment, this that and the other and
10:47:04 13 it had a thing on the bottom that had a
10:47:07 14 tear-off that had some phone numbers to
10:47:09 15 call. I mean, everything I had came in
10:47:15 16 one envelope which I had given to Kit.

10:47:19 17 Q. This document that you
10:47:26 18 described that had something that tore off
10:47:28 19 at the bottom, you can't say one way or
10:47:30 20 the other whether Exhibit 3 is that
10:47:32 21 document?

10:47:33 22 A. This is not that document
10:47:34 23 because it had something down here on the

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10:47:38 1 bottom.
10:47:38 2 Q. That you tore off?
10:47:39 3 A. Yeah, it had a tear-out thing
10:47:41 4 or something.
10:47:42 5 Q. Did you tear that thing out?
10:47:43 6 A. Yeah, because I had the phone
10:47:45 7 numbers.
10:47:45 8 Q. Put them in your wallet?
10:47:47 9 A. Yeah.
10:47:47 10 Q. You took them with you when
10:47:49 11 you traveled?
10:47:49 12 A. Yes.
10:47:50 13 Q. Do you remember what it said
10:47:51 14 on there?
10:47:56 15 A. The thing I tore off.
10:47:57 16 Q. Yes.
10:47:58 17 A. It just had a list of phone
10:47:59 18 newspapers, there's a number from the UK,
10:48:02 19 there's a phone number -- depending on
10:48:03 20 what area you were at, where you are
10:48:06 21 supposed to call.
10:48:07 22 Q. Where you were supposed to
10:48:08 23 call if something happened?

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10:48:09 1 A. Yeah. I think it had the
10:48:10 2 policy number on it too.
10:48:20 3 Q. Besides that document you have
10:48:22 4 just described with the tear-off numbers,
10:48:24 5 did you receive anything else after you

10:48:26 6 sent your enrollment form in?
10:48:31 7 A. No, I got one envelope from
10:48:33 8 the insurance. So if it wasn't in that
10:48:38 9 envelope, then I didn't receive anything
10:48:39 10 else.
10:48:40 11 Q. Do you know if that envelope
10:48:41 12 had anything more than that single-page
10:48:45 13 document we have just been discussing?
10:48:46 14 A. Unless it had a copy of the
10:48:49 15 brochure or something else in there, I
10:48:51 16 don't remember.
10:48:51 17 Q. Do you remember if it had
10:48:53 18 something in there called the Evidence of
10:48:55 19 Coverage?
10:48:55 20 A. No, I don't believe it did.
10:48:56 21 Q. Do you know for sure one way
10:48:58 22 or another?
10:48:59 23 A. No, sir. So this --

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10:49:11 1 Q. Did you need to complete your
10:49:14 2 answer or --
10:49:14 3 A. I was going to ask a question
10:49:16 4 but never mind.
10:49:25 5 Q. Whatever it is that you
10:49:26 6 received in the envelope, would you have
10:49:28 7 read it?
10:49:29 8 A. Yes.
10:49:29 9 Q. Would that be your normal
10:49:35 10 practice, to read mail?
10:49:37 11 A. Yeah, if it was insurance
10:49:39 12 stuff I would.
10:49:42 13 Q. This is not the first time

10:49:43 14 that you had bought insurance of some
10:49:45 15 type, is it?

10:49:46 16 A. The only insurance I bought
10:49:48 17 before this was when I talked to my
10:49:50 18 insurance agent to do homeowners and stuff
10:49:52 19 like that. But it was my first experience
10:49:54 20 with trip insurance.

10:49:59 21 Q. The homeowners insurance, was
10:50:01 22 that in connection with buying your house
10:50:02 23 at Oak Leaf Circle?

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10:50:04 1 A. Yes.

10:50:04 2 Q. Do you know who the carrier
10:50:07 3 was for that insurance?

10:50:12 4 A. My agent or the underwriter.

10:50:14 5 Q. That is a fair question. Why
10:50:16 6 don't you start with agent?

10:50:17 7 A. Mark Hughes from O. M. Hughes
10:50:21 8 Insurance.

10:50:22 9 Q. Where is that located?

10:50:24 10 A. I believe in south side but
10:50:25 11 I'm not sure.

10:50:26 12 Q. Is he still in business?

10:50:28 13 A. Yes.

10:50:29 14 Q. And do you know what company
10:50:34 15 underwrote the policy?

10:50:35 16 A. Travelers.

10:50:35 17 Q. Is Travelers still the
10:50:40 18 underwriter on your home policy?

10:50:42 19 A. Yes, sir.

10:50:47 20 Q. Do you know if you had gotten
10:50:50 21 that insurance before or after you

10:50:51 22 purchased the Travel ex insurance?

10:50:56 23 A. I don't know.

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10:50:57 1 Q. Sorry. Go ahead.

10:50:59 2 A. I was going to say, the day I

10:51:01 3 closed on the house was the day I called

10:51:03 4 Mark Hughes and said, "I have closed on

10:51:05 5 the house, so" --

10:51:07 6 Q. The reason I was asking

10:51:08 7 because it sounded like a lot of this kind

10:51:11 8 of happened right around the same time. I

10:51:12 9 am just trying to understand if you can

10:51:14 10 recall specifically which you bought

10:51:16 11 first.

10:51:20 12 A. No, I can't.

10:51:23 13 Q. Have you ever purchased car

10:51:25 14 insurance?

10:51:25 15 A. When I did the homeowners.

10:51:27 16 Q. You rolled the car insurance

10:51:32 17 into that?

10:51:32 18 A. Well, it is a separate policy.

10:51:34 19 I had never done anything to change my car

10:51:36 20 insurance from the time I was sixteen

10:51:37 21 until I bought the house. And we put it

10:51:41 22 all under one policy. So that was my

10:51:48 23 first experience with insurance.

UNCERTIFIED ROUGH DRAFT

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10:51:50 1 Q. Who carried your car insurance

10:51:51 2 until this time?
10:51:52 3 A. Safeco.
10:51:53 4 Q. Was that a policy held by your
10:51:59 5 dad on which you were an additional
10:52:01 6 insured?
10:52:02 7 A. It was until I guess I was out
10:52:04 8 of school or in school or whatever, then I
10:52:06 9 just started making the payment on it.
10:52:08 10 Q. When you say out of school,
10:52:14 11 you are talking about college?
10:52:16 12 A. Yes. Yes.
10:52:16 13 Q. And I guess in addition to
10:52:20 14 making the payment, you would also be the
10:52:22 15 one to receive the policy and the
10:52:25 16 certificates of insurance?
10:52:28 17 A. On -- you are talking about
10:52:29 18 before, the old policy or the new policy.
10:52:32 19 Q. The old Safeco policy.
10:52:34 20 A. No, the old Safeco policy used
10:52:36 21 to always go to my dad, and he would just
10:52:38 22 hand me the card.
10:52:39 23 Q. Even after you graduated from

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10:52:41 1 college?
10:52:41 2 A. Yes, up until -- because it
10:52:43 3 was all mailed to the shop.
10:52:45 4 Q. Did you ever read that Safeco
10:52:51 5 policy?
10:52:51 6 A. It was just the square
10:52:52 7 identification card.
10:52:53 8 Q. You never saw the actual
10:52:55 9 policy itself --

10:52:56 10 A. No, sir.
10:52:56 11 Q. -- that had the terms?
10:52:58 12 A. No, sir.
10:52:58 13 Q. To this date, you have not
10:53:00 14 seen that?
10:53:01 15 A. No, sir.
10:53:01 16 Q. I take it you never had to
10:53:03 17 file a claim on that insurance?
10:53:04 18 A. No, sir.
10:53:15 19 Q. Through your dad's company, do
10:53:17 20 you have health insurance?
10:53:18 21 A. Yes.
10:53:18 22 Q. Do you know what type of
10:53:20 23 health insurance it is?

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10:53:22 1 A. Blue Cross.
10:53:23 2 Q. This may be a question that
10:53:31 3 doesn't make any sense, but do you know
10:53:34 4 what type of plan it is?
10:53:36 5 A. No. No, I mean we have health
10:53:39 6 and dental, if that is --
10:53:45 7 Q. But you don't know if it is a
10:53:46 8 PPO or some other type of plan?
10:53:49 9 A. No, sir.
10:53:50 10 Q. Have you received information
10:53:52 11 in connection with that health insurance
10:53:55 12 arrangement?
10:54:00 13 A. No, sir other than your card
10:54:02 14 that you put in your wallet.
10:54:03 15 Q. You haven't received the
10:54:04 16 handbook that describes the benefits and
10:54:06 17 conditions?

10:54:07 18 A. No, sir.
10:54:07 19 Q. Or a book that tells you who
10:54:09 20 the preferred providers are?
10:54:12 21 A. No, sir. I have always gone
10:54:13 22 to the same doctor.
10:54:14 23 Q. You are talking about an

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10:54:17 1 internist?
10:54:19 2 A. A HealthSouth doctor. What do
10:54:21 3 you mean by internist.
10:54:23 4 Q. Do you know what an internist
10:54:24 5 is?
10:54:24 6 A. No.
10:54:24 7 Q. Kind of a general doctor?
10:54:26 8 A. Oh, yes. Yes.
10:54:27 9 Q. Who is that?
10:54:28 10 A. Dr. Michael Murray.
10:54:33 11 Q. Where does he practice?
10:54:35 12 A. Vestavia.
10:54:41 13 Q. Did you see him about your ear
10:54:43 14 after you came back?
10:54:44 15 A. No, sir.
10:54:45 16 Q. Did you see an ENT doctor
10:54:47 17 about that?
10:54:48 18 A. Yes, sir.
10:54:48 19 Q. Who did you see?
10:54:49 20 A. I have no idea.
10:54:50 21 Q. You don't --
10:54:51 22 A. No, sir. I believe and I am
10:54:53 23 just speculating, but I believe my mom

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10:54:55 1 called Dr. Murray to see who he would
10:54:57 2 recommend. Then she called and said, "I
10:55:00 3 have got you an appointment at such and
10:55:02 4 such a time.

10:55:04 5 Q. Was it in Hoover?

10:55:06 6 A. I believe so but I am not
10:55:13 7 positive.

10:55:20 8 Q. I may have already asked you
10:55:21 9 this and I am sorry if I am repeating
10:55:24 10 myself. What date were you and Tina
10:55:26 11 married?

10:55:27 12 A. October 11th, 2003.

10:55:28 13 Q. And what was the date that she
10:55:34 14 passed away?

10:55:35 15 A. October 22nd.

10:55:43 16 Q. What day did you all leave for
10:55:45 17 Australia?

10:55:46 18 A. I believe on the 13th.

10:55:56 19 Q. Did you take your own diving
10:55:58 20 equipment or did you all rent it out
10:56:00 21 there?

10:56:00 22 A. We took our own.

10:56:01 23 Q. Both of you owned dive

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UNCERTIFIED ROUGH DRAFT

10:56:03 1 equipment?

10:56:04 2 A. Yes.

10:56:04 3 Q. Was Tina a diver?

10:56:06 4 A. Yes.

10:56:11 5 Q. How long had she been diving?

10:56:13 6 A. I believe she got certified in
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Watson Deposition.txt

10:56:15 7 the spring of '03.
10:56:20 8 Q. So right before you all left?
10:56:24 9 A. Well, it would have been six
10:56:25 10 or eight months.
10:56:26 11 Q. Do you know how many
10:56:27 12 open-water dives she had done?
10:56:29 13 A. I think a dozen or so but I am
10:56:31 14 not for sure.
10:56:37 15 Q. Does the Blue Water Quarry
10:56:40 16 qualify as an open-water dive?
10:56:41 17 A. Yes.
10:56:42 18 Q. Do you know how many times
10:56:50 19 Tina had done dives in saltwater?
10:56:57 20 A. No, I don't.
10:56:57 21 Q. Do you know if she had ever
10:56:59 22 done a dive in saltwater?
10:57:00 23 A. Not a hundred percent.

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10:57:01 1 Q. You never asked her about
10:57:08 2 that?
10:57:08 3 A. Yeah.
10:57:10 4 Q. And what did she tell you?
10:57:12 5 A. She owe oh well, I mean, it is
10:57:16 6 not really the question you are asking.
10:57:18 7 But she went down to Florida to see a
10:57:21 8 friend that she said was certified and
10:57:22 9 they said they were going to go but that
10:57:24 10 was the last I ever heard of that, so I
10:57:27 11 don't know if they did or not.
10:57:28 12 Q. But she went to Florida?
10:57:30 13 A. Not as part of a dive trip.
10:57:32 14 Q. To visit this friend?

10:57:33 15 A. Yes.
10:57:33 16 Q. When was this?
10:57:34 17 A. I think it was over that
10:57:39 18 summer but I'm not positive.
10:57:40 19 Q. We are talking about the
10:57:42 20 summer before you all got married?
10:57:43 21 A. Yeah.
10:57:43 22 Q. And you don't know if she went
10:57:46 23 diving or not?

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10:57:46 1 A. No.
10:57:59 2 Q. Do you know if she had done
10:58:01 3 anything other than the Blue Water Quarry
10:58:03 4 that would qualify as an open-water dive?
10:58:07 5 A. No, I don't know if she did or
10:58:08 6 not.
10:58:08 7 Q. Tell me a little bit more
10:58:23 8 about your training as a diver.
10:58:25 9 A. What do you mean?
10:58:26 10 Q. You mentioned that you had a
10:58:28 11 certification that you got through The
10:58:31 12 Dive Store --
10:58:32 13 A. The Dive Site.
10:58:34 14 Q. The Dive Site, Inc. Are there
10:58:36 15 multiple layers of certification that a
10:58:38 16 diver can get?
10:58:39 17 A. Yes.
10:58:40 18 Q. What are those?
10:58:41 19 A. There used to be beginner,
10:58:47 20 advanced, I believe, rescue -- there's
10:58:54 21 something else for an instructor, things
10:58:57 22 like dive master or something like that,

10:58:59 23 but I don't know what they are now.

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10:59:00 1 Q. Have you been diving since
10:59:02 2 your trip to Australia?

10:59:04 3 A. No.

10:59:18 4 Q. So at the time you were
10:59:19 5 diving, there were, as you understood,
10:59:21 6 five levels of certification?

10:59:23 7 A. Yes, sir.

10:59:24 8 Q. Had you achieved the beginner
10:59:26 9 certification?

10:59:27 10 A. Yes.

10:59:27 11 Q. Had you achieved the advanced
10:59:29 12 certification?

10:59:30 13 A. Yes.

10:59:30 14 Q. Had you achieved the rescues
10:59:34 15 certification?

10:59:34 16 A. Yes.

10:59:35 17 Q. Had you received the level
10:59:36 18 after rescue but before instructor?

10:59:39 19 A. No.

10:59:39 20 Q. I guess that means that you
10:59:40 21 couldn't have taken the instructor
10:59:42 22 certification?

10:59:42 23 A. Right.

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10:59:43 1 Q. Kind of like karate, you have
10:59:45 2 got to go through the belts?

10:59:46 3 A. Correct.

10:59:46 4 Q. What is involved in becoming

10:59:52 5 rescue certified?

10:59:54 6 A. The only real difference

10:59:55 7 between it and advanced is you learn how

10:59:59 8 to use lift bags, learn how to do

11:00:02 9 basically underwater navigation. There's

11:00:09 10 the way it is all set up, there's

11:00:11 11 several -- there's a list of things that

11:00:13 12 they can teach you and the instructor --

11:00:16 13 you have to do three or four or whatever,

11:00:18 14 and the instructor just picks the ones

11:00:20 15 that he wants to do.

11:00:21 16 Q. Which ones did you do?

11:00:22 17 A. We did the underwater

11:00:24 18 navigation, the lifted bags -- what else

11:00:27 19 did we do? -- goh, I don't know what

11:00:36 20 else. We did some like surface rescue

11:00:39 21 stuff -- oh, and how to deal with a

11:00:46 22 panicked diver. I believe that was the

11:00:51 23 bulk of our class.

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11:00:53 1 Q. What are lift bags?

11:00:54 2 A. What is it?

11:00:55 3 Q. Yes.

11:00:56 4 A. It is just a canvas bag that

11:00:58 5 you fill with air and you can attach to

11:01:00 6 something and it raises it to the surface.

11:01:08 7 Q. Were you ever like a lifeguard

11:01:09 8 during high school?

11:01:10 9 A. No, sir.

11:01:11 10 Q. Have you ever had any

11:01:12 11 Lifeguarding or life saving training?
11:01:14 12 A. No, sir.
11:01:15 13 Q. Were you a Boy Scout?
11:01:17 14 A. Cub Scout.
11:01:25 15 Q. Do you know what certification
11:01:29 16 Tina had?
11:01:30 17 A. Beginner.
11:01:32 18 Q. And so I understand -- give me
11:01:38 19 a little flavor for what is involved in
11:01:40 20 getting your beginner certification.
11:01:45 21 A. They teach -- let's see. They
11:01:46 22 teach you how to get neutrally buoyant,
11:01:50 23 teach you how to use the regulars, the

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11:01:52 1 equipment, the scuba diving basics,
11:01:55 2 basically.
11:02:03 3 Q. How long does it take to get
11:02:04 4 that certification?
11:02:05 5 A. Timewise or dive wise.
11:02:08 6 Q. Hours wise.
11:02:09 7 A. I think there's two or three
11:02:10 8 hour-long classroom sessions, a couple of
11:02:14 9 pool sessions and a couple of Blue Water
11:02:15 10 sessions and you are done.
11:02:17 11 Q. Was the reason that Tina got
11:02:41 12 her certification because you all were
11:02:43 13 going to Australia?
11:02:48 14 A. Yeah.
11:02:48 15 Q. As I understand your trip with
11:03:03 16 Mike Ball Dive Expeditions began October
11:03:06 17 21st?
11:03:09 18 A. That sounds right.

11:03:10 19 Q. It was the day before Tina
11:03:13 20 passed away, correct?
11:03:14 21 A. Yes.
11:03:15 22 Q. What -- you say you all left
11:03:23 23 on the 13th of October for Australia.

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11:03:27 1 What did you all do in the interim?
11:03:28 2 A. We were in Sydney.
11:03:31 3 Q. Just touring?
11:03:34 4 A. Yeah, pretty much.
11:03:35 5 Q. Did you all spent the whole
11:03:38 6 time in Sydney?
11:03:39 7 A. Yes, until we flew out to
11:03:44 8 Townsville.
11:03:45 9 Q. How far away is Townsville
11:03:47 10 from Sydney?
11:03:53 11 A. It -- I believe it was about a
11:03:55 12 three or four hour flight. I think it is
11:03:58 13 like the distance from here to New York,
11:04:00 14 but I'm not positive.
11:04:01 15 Q. Where in Sydney did you all
11:04:07 16 stay?
11:04:07 17 A. Downtown. I don't know the
11:04:09 18 name of the hotel.
11:04:09 19 Q. Was that something that
11:04:11 20 Mrs. Gammi II arranged for you?
11:04:13 21 A. Yes. Yes.
11:04:13 22 Q. Did you all make it to that
11:04:18 23 structure that you always see when you

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11:04:19 1 think of Sydney, the one on the harbor --

11:04:24 2 A. The Opera House.

11:04:25 3 Q. That is called the Opera

11:04:26 4 House?

11:04:26 5 A. Yes.

11:04:27 6 Q. Did you all see an opera?

11:04:28 7 A. Yes.

11:04:29 8 Q. Is that something that

11:04:30 9 Mrs. Gamill arranged for you?

11:04:31 10 A. Yes.

11:04:32 11 Q. Any other particular

11:04:35 12 destinations or sites or tours that you

11:04:38 13 all took in the Sydney area that you

11:04:40 14 recall?

11:04:42 15 A. I mean, we did all the

11:04:43 16 touristy stuff, but, I mean -- like are

11:04:47 17 you wanting to know specific things we did

11:04:49 18 or --

11:04:50 19 Q. Yeah, I mean, if you remember

11:04:52 20 them.

11:04:52 21 A. Well, I mean, we went to

11:04:54 22 Sydney Aquarium, the -- I can't pronounce

11:04:58 23 the name, but it is the Sydney Zoo. We

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11:05:01 1 did the harbor ferries, went down to

11:05:05 2 Darling Harbor, I believe it was. You

11:05:10 3 know, just -- I mean, a typical -- I think

11:05:12 4 the typical Sydney touristy stuff.

11:05:16 5 We asked the lady at the front

11:05:18 6 desk you know what do people do, she would

11:05:20 7 give us a map and tell us where to go

11:05:22 8 so --
11:05:23 9 Q. When you all flew to
11:05:25 10 Townsville to meet Mike Ball Dive
11:05:29 11 Expeditions, did you spend the night
11:05:30 12 before meeting them?
11:05:32 13 A. Yes, I believe so.
11:05:32 14 Q. Where did you all stay the
11:05:34 15 night?
11:05:34 16 A. The hotel across the street
11:05:36 17 from the police station but I don't know
11:05:38 18 the name of it.
11:05:39 19 Q. Across the street from the
11:05:41 20 Townsville Police Station?
11:05:42 21 A. Yes.
11:05:42 22 Q. Have you talked to Townsville
11:05:44 23 Police lately?

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11:05:46 1 A. No, not lately.
11:05:47 2 Q. When was the last time you had
11:05:49 3 contact with the Townsville Police?
11:05:55 4 A. After I wrote a letter to the
11:05:58 5 mayor, several months ago.
11:06:00 6 Q. What was the purpose of that
11:06:03 7 letter?
11:06:03 8 A. Just to get an update.
11:06:04 9 Q. On --
11:06:05 10 A. The investigation, what the
11:06:08 11 holdup is.
11:06:09 12 Q. The holdup on what?
11:06:17 13 A. Them finishing it.
11:06:18 14 Q. Didn't you tell me earlier
11:06:20 15 that you don't even know what they are

11:06:21 16 investigating?
11:06:22 17 A. Right.
11:06:22 18 Q. Did they respond to your
11:06:24 19 letter?
11:06:24 20 A. Yes and no. Nothing was
11:06:28 21 answered.
11:06:28 22 Q. But they did send you a
11:06:30 23 written response?

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11:06:31 1 A. They emailed me.
11:06:32 2 Q. Was that the last
11:06:43 3 communication you had with the Townsville
11:06:46 4 Police or the City?
11:06:47 5 A. I believe so.
11:06:48 6 Q. I guess or any other
11:06:51 7 governmental official in Townsville?
11:06:55 8 A. Yeah, correct, I believe.
11:06:58 9 Q. When was that, if you recall?
11:07:03 10 A. Oh, wow, it might have been
11:07:05 11 six months ago. It has been a while.
11:07:12 12 Q. The Spoil Sport was the name
11:07:16 13 of the boat?
11:07:17 14 A. Yes.
11:07:17 15 Q. Is this a boat owned, as far
11:07:20 16 as you know, by Mike Ball Dive
11:07:23 17 Expeditions?
11:07:23 18 A. Yeah, as far as I know.
11:07:24 19 Q. How did you get in contact
11:07:26 20 with Mike Ball Dive Expeditions?
11:07:31 21 A. I think I emailed them.
11:07:32 22 Q. How did you hear about them in
11:07:36 23 the first place?

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11:07:38 1 A. One of the guys at The Dive
11:07:40 2 Site.
11:07:46 3 Q. And when you say dive site --
11:07:49 4 A. The company.
11:07:49 5 Q. -- you are talking about the
11:07:51 6 place where you got your certification?
11:07:53 7 A. Yes.
11:07:53 8 Q. Do you remember who that guy
11:07:54 9 was?
11:07:55 10 A. Bill French.
11:07:58 11 Q. Do you know where he works
11:08:00 12 now?
11:08:00 13 A. I have no idea.
11:08:04 14 Q. I take it he had gone diving
11:08:06 15 with Mike Ball Dive Expeditions?
11:08:09 16 A. I assume so but I don't know.
11:08:12 17 Q. So did you just look them up
11:08:13 18 on the internet, see what they had
11:08:15 19 available?
11:08:16 20 A. Yeah.
11:08:16 21 Q. You liked what you saw so you
11:08:18 22 made contact with them by email?
11:08:20 23 A. Yes.

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11:08:35 1 (Whereupon, Defendant's
2 Exhibit 4 was marked for
11:08:36 3 identification.)

11:08:37 4 Q. (BY MR. LANGLEY:) Let me show
11:08:37 5 you what I have marked as Exhibit 4 to
11:08:41 6 your deposition.
11:08:48 7 MR. LANGLEY: Let's go off the
11:08:49 8 record for a second.
11:08:50 9 (Off-the-record discussion.)
11:09:02 10 MR. LANGLEY: Are we back on?
11:09:04 11 Q. (BY MR. LANGLEY:) Mr. Watson,
11:09:06 12 do you recognize what I have marked as
11:09:07 13 Exhibit 4?
11:09:08 14 A. Yes.
11:09:08 15 Q. What is it?
11:09:10 16 A. It looks like emails between
11:09:17 17 me and Shelly at Mike Ball.
11:09:19 18 Q. It may take you a minute to
11:09:24 19 answer this question, but can you tell me
11:09:26 20 if these are all of the emails between you
11:09:28 21 and Mike Ball?
11:10:56 22 (Off-the-record discussion.)
11:10:57 23 MR. LANGLEY: You know, we

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11:10:58 1 have been going an hour or ten, do you
11:11:00 2 want to take a break and you can finish
11:11:02 3 looking at that while we are on a break
11:11:06 4 and go to the bathroom.
11:11:08 5 (Off-the-record discussion.)
6 (Whereupon, a break was had
7 from 11:11 a.m. until 11:23
11:23:51 8 a.m.)
11:23:51 9 Q. (BY MR. LANGLEY:) Mr. Watson,
11:23:53 10 are you ready to go back on?
11:23:54 11 A. Yeah.

11:23:55 12 Q. Okay. When we broke, I was
11:23:57 13 asking you about Exhibit 4. And I had
11:24:03 14 asked you if you believed those are all of
11:24:06 15 the emails sent between you and Mike Ball
11:24:10 16 Dive Expedition. Have you had a chance to
11:24:12 17 look at Exhibit 4?
11:24:13 18 A. Yeah. It appears to be all of
11:24:14 19 them.
11:24:15 20 Q. Did you produce all of the
11:24:21 21 emails between you and Mike Ball Dive
11:24:26 22 Expedition to your counsel?
11:24:28 23 A. Yes.

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11:24:29 1 Q. And when you were asked to
2 retrieve those, how did you go about
3 physically getting them from your
11:24:29 4 computer?
11:24:29 5 A. I went into my in-box in
11:24:33 6 Outlook Express, got all of hers under the
11:24:36 7 heading "Shelly McLaughlin" and got them,
11:24:38 8 the subject, the time/date stamp, put them
11:24:41 9 in chronological order, based on that, and
11:24:44 10 then just printed them out one at a time.
11:24:47 11 Q. So you had saved all the
11:24:48 12 emails between you and Mike Ball Dive?
11:24:52 13 A. Yes, I don't delete emails.
11:24:54 14 Q. So you would have your emails
11:24:56 15 going back for how long?
11:24:57 16 A. Well, now they have started
11:24:59 17 back over because I got a new computer
11:25:02 18 late last year but before they would have
11:25:04 19 gone back for as long as I had that

11:25:06 20 Charter account.
11:25:07 21 Q. Do you have access to those
11:25:08 22 old stored emails?
11:25:10 23 A. Yes.

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11:25:10 1 Q. So if we needed to go back and
11:25:14 2 double check something, there's a way we
11:25:15 3 can do that?
11:25:16 4 A. Yes.
11:25:16 5 Q. But as you sit here today, you
11:25:20 6 believe that Exhibit 4 is a complete set
11:25:21 7 of the emails between you and Mike Ball
11:25:24 8 Dive?
11:25:24 9 A. Correct.
11:25:24 10 Q. Did you ever speak with anyone
11:25:26 11 other than Shelly McLaughlin in arranging
11:25:32 12 the dive trip?
11:25:33 13 A. No, not in arranging the dive
11:25:35 14 trip.
11:25:36 15 Q. Was all of your communications
11:25:38 16 arranging the dive trip via email?
11:25:41 17 A. I believe all of it but one.
11:25:44 18 I think I made one phone call.
11:25:45 19 Q. To whom?
11:25:46 20 A. To Mike Ball.
11:25:50 21 Q. Was it to Shelly McLaughlin?
11:25:52 22 A. I don't remember if it was her
11:25:57 23 or not. I don't remember.

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11:25:58 1 Q. Prior to this dive trip in
11:26:02 2 Australia, had you taken any other big
11:26:05 3 dive trips? I know that is kind of a big
11:26:10 4 definition but do you know what I mean?
11:26:12 5 A. I went to Cozumel for a week.
11:26:14 6 Q. When was that?
11:26:17 7 A. I don't know. Not long after
11:26:18 8 I got certified. It would be in my
11:26:20 9 logbook.
11:26:21 10 Q. You got certified sometime in
11:26:23 11 the late '90s?
11:26:24 12 A. Yes, and the trip was shortly
11:26:26 13 after that.
11:26:27 14 Q. So between the late '90s and
11:26:30 15 2003 when you went to Australia, did you
11:26:33 16 do any diving?
11:26:34 17 A. Yes.
11:26:34 18 Q. But it was mostly local?
11:26:36 19 A. It was all local.
11:26:37 20 Q. By local, does that include
11:26:39 21 the Gulf of Mexico?
11:26:41 22 A. Yes.
11:26:41 23 Q. Where have you dived in Gulf

11:26:44 1 of Mexico?
11:26:45 2 A. Panama City.
11:26:46 3 Q. Are there dive sites off of
11:26:48 4 Panama City?
11:26:49 5 A. Yes.
11:26:49 6 Q. Like wrecks or reefs?
11:26:50 7 A. Yes.
11:26:51 8 Q. When you go on a dive trip

11:26:53 9 with a charter boat, are you required to

11:26:57 10 show proof of some sort of insurance?

11:27:04 11 A. I never have been before.

11:27:05 12 Q. Did Mike Ball require that you

11:27:07 13 have some sort of insurance to go on the

11:27:09 14 trip?

11:27:09 15 A. I don't believe so.

11:27:13 16 Q. In your mind, was the reason

11:27:15 17 you were purchasing travel insurance to

11:27:16 18 protect against cancelled travel

11:27:19 19 arrangements or to protect against diving

11:27:21 20 incidents?

11:27:22 21 A. To protect in case something

11:27:24 22 happened, you know, for the whole trip,

11:27:26 23 basically, diving included.

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11:27:29 1 Q. Was it your belief, though,

11:27:31 2 that you were not required by Mike Ball

11:27:35 3 Dive to have some sort of insurance before

11:27:37 4 going on the trip?

11:27:38 5 MR. LILIENTHAL: Object to the

11:27:39 6 form. Are we talking about health

11:27:41 7 insurance are we talking about dive

11:27:43 8 insurance, are we talking about --

11:27:46 9 MR. LANGLEY: Any kind.

11:27:47 10 A. I don't believe I ever had any

11:27:49 11 discussions other than -- I mean unless

11:27:52 12 something about DAN insurance came up, but

11:27:58 13 I don't believe there is a requirement.

11:28:00 14 (Off-the-record discussion.)

11:28:00 15 Q. (BY MR. LANGLEY:) Is that all

11:28:01 16 caps?

11:28:02 17 A. Yes.
11:28:03 18 Q. Divers Alert Network?
11:28:04 19 A. Yes.
11:28:05 20 Q. What is that?
11:28:06 21 A. It is -- it is hard to
11:28:12 22 explain. It is really kind of a
11:28:15 23 subsequent -- what is the word I am

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11:28:16 1 looking for? Like a secondary type
11:28:19 2 insurance, but there's like -- I mean, you
11:28:24 3 have it in case you need a Coast Guard
11:28:27 4 flight or something like that, because I
11:28:28 5 was told at some point that, you know, a
11:28:31 6 Coast Guard flight is a hundred grand and
11:28:33 7 I have heard stories in third world
11:28:35 8 countries that if you didn't have DAN,
11:28:38 9 they may not take care of you immediately
11:28:40 10 because they are not going to get
11:28:42 11 reimbursed. But it is also a nonprofit, I
11:28:45 12 think, where they fund hyperbaric
11:28:50 13 recompression chambers in these remote
11:28:53 14 places.

11:29:00 15 Q. It seems like I have seen
11:29:01 16 somewhere that this is run out of Duke
11:29:05 17 University; is that right?

11:29:05 18 A. There's a university that has
11:29:09 19 some kind of contact with some kind of
11:29:11 20 something but I don't know all the
11:29:13 21 specifics.

11:29:13 22 Q. Is it a membership thing or is
11:29:17 23 it a reissue policies?

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11:29:20 1 A. I think it is more of a member
11:29:21 2 kind of deal. I had it a long time ago
11:29:24 3 when I first got certified, and they just
11:29:26 4 send you a card and it has your membership
11:29:30 5 number and you just keep it in with your
11:29:32 6 certification cards.

11:29:33 7 Q. Do you pay to be a member?

11:29:35 8 A. Yes.

11:29:35 9 Q. What do you pay to be a
11:29:37 10 member?

11:29:42 11 A. Wow. I want to say it was
11:29:43 12 maybe thirty-five, forty-five bucks,
11:29:45 13 something like that.

11:29:46 14 Q. What did that cover?

11:29:48 15 A. They -- the way I understood
11:29:50 16 it was that, if something happened and you
11:29:53 17 had DAN, DAN immediately paid for
11:29:55 18 everything. And then after everything was
11:29:59 19 situated, DAN then came back and filed
11:30:01 20 with like primary insurance, trip
11:30:05 21 insurance or whatever, other insurance
11:30:07 22 companies, to recoup what they can recoup,
11:30:13 23 is my understanding of how it works.

11:30:15 1 Q. Were you a member of DAN
11:30:17 2 continuously from the time you got your
11:30:19 3 certification through your trip to
11:30:21 4 Australia?

11:30:22 5 A. No.

11:30:22 6 Q. Were you a member of DAN at

11:30:25 7 the time you went to Australia?

11:30:27 8 A. I purchased a thirty-day

11:30:28 9 policy on the dive boat.

11:30:31 10 Q. Tell me about that.

11:30:36 11 A. What do you mean.

11:30:37 12 Q. How that came to be.

11:30:39 13 A. They had a box on the form,

11:30:40 14 said if you want thirty-day DAN coverage,

11:30:43 15 check the box, and it had -- I don't

11:30:45 16 remember, it was like twenty-five or

11:30:47 17 thirty-five bucks.

11:30:51 18 Q. You mentioned a form. This is

11:30:53 19 something you filled out on The Spoil

11:30:55 20 Sport?

11:30:55 21 A. Yeah, it was just a duplicate

11:30:56 22 of the forms that we had already filled

11:30:58 23 out.

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11:31:04 1 Q. Forms that had been filled out

11:31:06 2 and sent to Shelly McLaughlin?

11:31:09 3 A. Yes.

11:31:09 4 Q. Did those forms that you sent

11:31:12 5 to Shelly McLaughlin have a place that you

11:31:15 6 could check the box to get DAN coverage?

11:31:18 7 A. That I don't know. I don't

11:31:19 8 have any idea.

11:31:21 9 Q. Did you maintain copies of

11:31:23 10 those forms?

11:31:24 11 A. No, because they were like

11:31:27 12 filled out and sent to her, so there were

11:31:29 13 no copies.
11:31:37 14 Q. Do you know why you had to
11:31:38 15 fill out the same form when you got on the
11:31:40 16 boat?
11:31:40 17 A. I have no idea.
11:31:41 18 Q. Did you ask?
11:31:42 19 A. No. We were already on the
11:31:49 20 boat.
11:31:49 21 Q. You all had already left the
11:31:50 22 dock?
11:31:50 23 A. Yeah.

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11:31:51 1 Q. Did someone from Mike Ball
11:32:04 2 Dive explain to you what the thirty-day
11:32:06 3 DAN coverage would cover?
11:32:08 4 A. No.
11:32:08 5 Q. And so you decided to purchase
11:32:13 6 that just based on your prior experience
11:32:16 7 with DAN and your understanding of what it
11:32:18 8 covered?
11:32:19 9 A. Yes.
11:32:25 10 Q. Did it cover anything in
11:32:26 11 connection with your trip to Australia?
11:32:29 12 A. I believe -- and I don't know
11:32:31 13 if I should be quoted on this because I
11:32:33 14 have never seen the forms, but I think
11:32:36 15 they covered basically the transportation
11:32:41 16 of Tina back to the U.S. but I have never
11:32:45 17 seen any forms or anything. That is just
11:32:47 18 what the guy at the funeral home over
11:32:49 19 there said they were going to do.
11:32:50 20 Q. You never cut a check for

11:32:52 21 that?

11:32:53 22 A. For --

11:32:53 23 Q. For the transportation of

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11:32:55 1 Tina's remains?

11:32:56 2 A. No. No.

11:33:01 3 Q. That was handled, as far as

11:33:02 4 you know, between the funeral home and

11:33:04 5 DAN?

11:33:06 6 A. Yes.

11:33:06 7 Q. What was the name of the

11:33:08 8 funeral home?

11:33:09 9 A. Morleys.

11:33:10 10 Q. Is that down in Hoover?

11:33:11 11 A. No, it is in Townsville,

11:33:13 12 Australia.

11:33:22 13 Q. Do you know if DAN covered

11:33:25 14 anything other than the transportation of

11:33:27 15 Tina's remains?

11:33:29 16 A. That was the only thing that I

11:33:30 17 was told.

11:33:38 18 Q. Do you remember submitting

11:33:39 19 some type of claim form to DAN?

11:33:41 20 A. Claim form? No.

11:33:46 21 Q. I guess at some point, though,

11:33:48 22 you had to tell Morleys that you were a

11:33:53 23 member of DAN.

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11:33:54 1 A. I think -- I don't remember,
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11:33:55 2 but I think I gave Morleys the number to
11:33:59 3 Dan's, the number to Old Republic, the
11:34:03 4 number to Blue Cross, the number to pretty
11:34:04 5 much any -- Morleys arranged all that
11:34:07 6 stuff, I mean, everything. So I was not
11:34:09 7 personally involved in any of that other
11:34:14 8 than just him telling me where to sign.

11:34:20 9 Q. What time of day did The Spoil
11:34:23 10 Sport leave dock in Townsville?

11:34:24 11 A. Sometime that evening, like
11:34:26 12 8:00 or 9:00 at night, I think.

11:34:29 13 Q. And what did you all do that
11:34:31 14 night after you left?

11:34:34 15 A. On the boat? They kind of had
11:34:36 16 a meet and greet, just kind of gave us a
11:34:39 17 brief of how everything was going to go
11:34:41 18 down. I think they showed a video that
11:34:43 19 had, you know, all the different stuff to
11:34:46 20 look for, the fish and all that, and that
11:34:49 21 was pretty much it. They had -- they were
11:34:52 22 going to do some classes on the boat so
11:34:54 23 everybody broke up and talked about

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11:34:56 1 whatever.

11:35:00 2 Q. The following day was when you
11:35:02 3 all did the Yongala Dive?

11:35:04 4 A. Yes.

11:35:04 5 Q. Did the crew on The Spoil
11:35:10 6 Sport talk specifically about the Yongala
11:35:12 7 Dive?

11:35:13 8 A. When?

11:35:13 9 Q. That night.

11:35:14 10 A. The night before?
11:35:15 11 Q. Correct.
11:35:16 12 A. Just the history of it.
11:35:17 13 Q. Did they discuss any specifics
11:35:19 14 of how the dive was going to work and what
11:35:25 15 the hazards were?
11:35:26 16 A. No.
11:35:35 17 Q. Had you done any research on
11:35:36 18 the Yongala Wreck before your trip?
11:35:38 19 A. No, I don't believe so.
11:35:40 20 Q. Do you know if Bill French had
11:35:47 21 dived the Yongala Wreck before?
11:35:50 22 A. I have no idea.
11:35:50 23 Q. So am I understanding you

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11:35:58 1 correctly to say that you really didn't
11:36:00 2 know what to expect on the Yongala Wreck
11:36:02 3 dive?
11:36:03 4 A. Correct.
11:36:03 5 Q. Did everything seem okay with
11:36:14 6 Tina the night before?
11:36:15 7 A. Yes.
11:36:15 8 Q. What time did you all get up
11:36:20 9 that following morning?
11:36:23 10 A. It was early. I am going to
11:36:26 11 say 6:00 or 7:00.
11:36:33 12 Q. And what time did you all
11:36:35 13 start the dive?
11:36:40 14 A. I believe we were supposed to
11:36:41 15 be on the deck like 9:00.
11:36:45 16 Q. I take it you all had
11:36:47 17 breakfast or something beforehand?

11:36:49 18 A. Yes.
11:36:50 19 Q. Anything else between the time
11:36:51 20 you got up and the time you went down to
11:36:54 21 the deck?
11:36:55 22 A. Just breakfast.
11:36:56 23 Q. How many other people were on

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11:36:59 1 this boat?
11:37:06 2 A. I think I read there were like
11:37:07 3 fifty total.
11:37:10 4 Q. You said you read there were
11:37:12 5 fifty total?
11:37:13 6 A. Yeah.
11:37:13 7 Q. Do you remember while you were
11:37:14 8 there, there being that many folks?
11:37:16 9 A. While I was there, do I
11:37:18 10 remember that many people? No, I never
11:37:19 11 saw fifty people when I was on the boat.
11:37:22 12 Q. I guess there was no occasion
11:37:23 13 where everyone was together at the same
11:37:26 14 time?
11:37:26 15 A. Not passengers and crew.
11:37:28 16 Q. How big was this boat?
11:37:38 17 A. Oh, wow. I am going to say
11:37:48 18 sixty feet but that could be way off. I
11:37:52 19 just have no idea.
11:37:53 20 Q. Walk me through the protocol
11:38:08 21 that you all went through immediately
11:38:10 22 before getting in the water.
11:38:11 23 A. As far as -- what do you mean

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11:38:14 1 by the protocol?
11:38:15 2 Q. What you did. I mean, there
11:38:17 3 are certain things that you have to do as
11:38:19 4 a diver to check your equipment.
11:38:20 5 A. Oh, I mean we just did our
11:38:23 6 equipment checks, got our equipment set
11:38:26 7 up.
11:38:34 8 Q. Can you walk me through that,
11:38:36 9 as a nondiver?
11:38:37 10 A. I can try. You have got to
11:38:38 11 remember, it has been two and a half years
11:38:40 12 since I have touched diving equipment.
11:38:44 13 You strap your BC to the tank. You hook
11:38:47 14 your regulator up. You make sure the air
11:38:55 15 is on. I mean -- well, I mean, I guess if
11:38:58 16 you have already got your wet suit on and
11:39:01 17 15s and all that. Once you have got
11:39:04 18 everything on, you put your vest on and
11:39:06 19 strap up and go.
11:39:07 20 Q. What is on the vest, is that
11:39:09 21 your weights?
11:39:09 22 A. The air bladder. The tank
11:39:11 23 hooks to the back of it.

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11:39:12 1 Q. Do you have to wear weights
11:39:14 2 also when you dive?
11:39:15 3 A. You don't have to. Some
11:39:17 4 people do, some people don't.
11:39:18 5 Q. Were you all wearing weights

11:39:20 6 this day?
11:39:21 7 A. Yes.
11:39:21 8 Q. Both of you?
11:39:22 9 A. Yeah, I am pretty sure Tina
11:39:24 10 was.
11:39:25 11 Q. You don't know for a fact if
11:39:26 12 she was or not?
11:39:27 13 A. No.
11:39:27 14 Q. Did you check over her
11:39:30 15 equipment before you all got in?
11:39:31 16 A. I helped her get her vest on
11:39:35 17 and her reg on and all that.
11:39:38 18 Q. Reg is short for regulator?
11:39:40 19 A. Regulator.
11:39:41 20 Q. Did you notice any problems
11:39:45 21 with her equipment?
11:39:46 22 A. No.
11:39:46 23 Q. Did you have to fix anything

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11:39:47 1 or adjust anything to make it right?
11:39:51 2 A. I don't think so.
11:39:52 3 Q. What about your equipment,
11:39:58 4 everything in working order?
11:39:59 5 A. Yeah, for the most part.
11:40:01 6 Q. Where had Tina bought her
11:40:05 7 equipment?
11:40:06 8 A. Dive Site.
11:40:06 9 Q. Is that where you bought your
11:40:08 10 too?
11:40:09 11 A. Yes.
11:40:09 12 Q. Was there any equipment that
11:40:12 13 you had to rent or did you own everything

11:40:14 14 you need?
11:40:16 15 A. The only thing we used were
11:40:18 16 their weights. We brought everything
11:40:22 17 else.
11:40:25 18 Q. You know that you used
11:40:27 19 weights?
11:40:28 20 A. Yeah.
11:40:28 21 Q. Do you know how much?
11:40:33 22 A. Did I use?
11:40:33 23 Q. Uh-huh.

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11:40:34 1 A. Guess, maybe thirty pounds.
11:40:37 2 Q. Does the amount of weight that
11:40:41 3 you take with you depend sometimes on the
11:40:46 4 salinity of the water?
11:40:48 5 A. Yes. You use more in
11:40:50 6 saltwater than you do in freshwater.
11:40:52 7 Q. And does the buoyancy factor
11:40:55 8 of saltwater vary in different places?
11:40:58 9 A. Oh, I have no idea.
11:40:59 10 Q. I mean, for example, are there
11:41:01 11 places in the Gulf of Mexico that are
11:41:04 12 saltier than others?
11:41:05 13 A. I have no idea.
11:41:06 14 Q. In your mind, it is just
11:41:07 15 saltwater versus freshwater?
11:41:10 16 A. Yeah, right.
11:41:13 17 Q. But you don't remember if Tina
11:41:15 18 actually used weights or not?
11:41:17 19 A. I know she used weights.
11:41:21 20 Q. But you don't know how much?
11:41:22 21 A. No. She normally used twenty

11:41:25 22 pounds.

11:41:25 23 Q. How did you know that?

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11:41:29 1 A. Because that is what she said

11:41:30 2 that she had used.

11:41:31 3 Q. That morning?

11:41:35 4 A. No. No. From diving here

11:41:37 5 back in the states.

11:41:38 6 Q. In freshwater?

11:41:39 7 A. Yeah.

11:41:48 8 Q. So she wasn't going to use any

11:41:50 9 more because she was doing a saltwater

11:41:54 10 dive?

11:41:55 11 A. No, she wouldn't need to.

11:41:56 12 Q. Why do you say that?

11:41:57 13 A. Because the heavier you are,

11:41:59 14 the more buoyant you are. And I am a

11:42:02 15 whole lot heavier than her so in saltwater

11:42:05 16 I float a whole lot easier. She was skin

11:42:08 17 and bones so it didn't matter, you know,

11:42:10 18 saltwater, freshwater.

11:42:11 19 Q. The difference in buoyancy

11:42:13 20 from saltwater to fresh didn't matter as

11:42:15 21 much for her as it did for you?

11:42:17 22 A. Right.

11:42:18 23 Q. Are you familiar with the term

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11:42:20 1 "neutrally buoyant"?

11:42:23 2 A. Yes.

11:42:24 3 Q. What does that term mean?
11:42:25 4 A. It is just when you are under
11:42:26 5 the water and you have your air in your BC
11:42:29 6 to counteract your weight in your -- the
11:42:31 7 weight of your weight so that you just
11:42:34 8 float stationary, so that you don't go up
11:42:37 9 or down.
11:42:37 10 Q. Did your equipment include I
11:42:51 11 think it is called a dive computer?
11:42:53 12 A. Yes.
11:42:53 13 Q. What is a dive computer?
11:42:55 14 A. It just replaces the old Navy
11:43:00 15 charts so that you don't have to do math
11:43:02 16 in between each dive.
11:43:04 17 Q. What kind of information does
11:43:08 18 it track for you?
11:43:09 19 A. It tracks how much, you know,
11:43:10 20 your time that you have been down, it
11:43:12 21 tracks your nitrogen, tracks how much air
11:43:18 22 you have got left, your breathing rate,
11:43:20 23 your ascent rate, you can bring up your

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11:43:23 1 history of all your dives or not all your
11:43:25 2 dives but your past several dives, tells
11:43:27 3 you how deep you went, all that stuff.
11:43:29 4 Q. I take it your dive computer
11:43:31 5 is still in Australia?
11:43:33 6 A. Yes.
11:43:33 7 Q. All of your diving equipment
11:43:35 8 is down there?
11:43:36 9 A. No.
11:43:36 10 Q. What diving equipment did you

11:43:38 11 bring back with you?
11:43:39 12 A. Everything exempt for the dive
11:43:40 13 computer, logbook and certification cards.
11:43:42 14 Q. Do you know why the Townsville
11:43:50 15 Police kept the dive computer?
11:43:52 16 A. No, I don't.
11:43:52 17 Q. I guess I was being
11:43:54 18 presumptuous there. I was assuming that
11:43:56 19 they had kept it since they were the ones
11:43:59 20 that kept your certification and logbook;
11:44:01 21 is that accurate?
11:44:02 22 A. The Townsville Police? Yeah.
11:44:19 23 Q. Do you know why they are

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11:44:20 1 keeping your dive computer?
11:44:21 2 A. No. I mean, all that was
11:44:23 3 taken from me on the boat, and that was
11:44:25 4 the last time I saw it.
11:44:29 5 Q. Taken from you by --
11:44:30 6 A. Mike Ball.
11:44:32 7 Q. Did they say anything like,
11:44:34 8 "We have got to take this until, you know,
11:44:39 9 there's an investigation or what were you
11:44:41 10 told?
11:44:41 11 A. No. Mike Ball took the
11:44:43 12 computer because they were trying to
11:44:44 13 figure out the maximum depth, because
11:44:48 14 nobody knew how to work Tina's computer.
11:44:50 15 So they took mine to try and figure out,
11:44:52 16 you know, the maximum depth and the time
11:44:54 17 and this, that and the other.
11:44:56 18 And then I remember they came

11:44:57 19 back to me because they couldn't figure
11:45:00 20 out how to do something because I showed
11:45:01 21 it to them and then that was the last I
11:45:04 22 ever saw of the dive computer.
11:45:05 23 Q. Why couldn't anyone figure out

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11:45:07 1 Tina's computer?
11:45:08 2 A. You have got me.
11:45:09 3 Q. Did you know how to use it?
11:45:11 4 A. Her computer? Somewhat.
11:45:15 5 Q. Did she know how to use it?
11:45:17 6 A. Yeah.
11:45:17 7 Q. Who tried to figure out how to
11:45:28 8 use her computer?
11:45:32 9 A. The I guess the Mike Ball
11:45:33 10 people but I don't have any idea.
11:45:35 11 Q. How is it that you aim to
11:45:36 12 understand that nobody could figure out
11:45:38 13 how to use her computer? Did you see
11:45:40 14 people trying to work with it?
11:45:41 15 A. No. Because the guy that
11:45:43 16 asked for mine said, "They can't figure
11:45:46 17 out how to get into her dive history. Let
11:45:49 18 me see your computer."
11:45:50 19 And so I handed him my
11:45:52 20 computer, and he was gone. And he came
11:45:54 21 back and he said, "I can't figure out how
11:45:56 22 to get into your computer. How do I pull
11:45:58 23 the stuff up?" So I showed it to him, and

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11:46:00 1 then he was gone again.
11:46:02 2 Q. Was your dive computer in
11:46:03 3 working order that day?
11:46:05 4 A. Yeah, as far as I know.
11:46:09 5 Q. Any irregularities during that
11:46:11 6 dive?
11:46:12 7 A. In that dive, no.
11:46:13 8 Q. Had there been any other dives
11:46:15 9 on that trip before the Yongala Wreck?
11:46:17 10 A. Yes and no.
11:46:18 11 Q. Okay. Can you explain that to
11:46:19 12 me?
11:46:20 13 A. Okay. The first time we got
11:46:21 14 in the water, my computer battery was in
11:46:24 15 backwards so when we dove off the back of
11:46:26 16 the boat, I got down to like three feet,
11:46:28 17 the computer started beeping so we went
11:46:31 18 right back up, went back to the boat,
11:46:33 19 changed the battery around, then went back
11:46:35 20 out.
11:46:36 21 So it depends on who you ask.
11:46:41 22 Mike Ball said yes, we had already been in
11:46:43 23 the water that day. And I say no, that

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11:46:45 1 was our first dive.
11:46:46 2 Q. So Mike -- bear with me. I am
11:46:49 3 trying to understand sort of the lingo
11:46:51 4 here. You don't really consider it a dive
11:46:54 5 until you actually go a critical distance
11:46:58 6 under the water. Merely getting in with

11:47:01 7 your equipment --
11:47:01 8 A. Right.
11:47:02 9 Q. -- you don't consider a dive?
11:47:04 10 A. Right.
11:47:04 11 Q. So as far as you were
11:47:06 12 concerned, the computer was working at the
11:47:09 13 time you -- working and in proper order at
11:47:12 14 the time you took your first dive?
11:47:14 15 A. Yes.
11:47:14 16 Q. You said it was beeping when
11:47:17 17 you got down a few feet?
11:47:18 18 A. Yes.
11:47:19 19 Q. And then you changed the
11:47:21 20 batteries around? You have to answer out
11:47:25 21 loud.
11:47:25 22 A. Oh, yes, sorry. Yes.
11:47:29 23 Q. What kind of batteries does

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11:47:31 1 the computer take?
11:47:32 2 A. It is one of those weird once
11:47:34 3 like the size of the tip of your pinkie, I
11:47:36 4 mean, not a watch battery but like that
11:47:39 5 big. I'm not sure what they are called.
11:47:44 6 Q. Was it just one?
11:47:46 7 A. Yes, I believe so.
11:47:47 8 Q. And when you say changed the
11:47:51 9 battery around, did you just flip it over?
11:47:54 10 A. Yeah, I just switched the
11:47:56 11 positive and negative because it was in
11:47:58 12 backwards.
11:47:58 13 Q. But it was still beeping --
11:48:00 14 A. Yeah.

11:48:01 15 Q. -- even though it was turned
11:48:02 16 around?
11:48:03 17 A. Yes.
11:48:03 18 Q. Was that normal?
11:48:04 19 A. Yes.
11:48:04 20 Q. Have you seen that happen
11:48:05 21 before?
11:48:06 22 A. Yeah, it is set up so that if
11:48:07 23 that happens, it gives you an audible beep

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11:48:10 1 and it says gas alarm so that you know you
11:48:13 2 have got a problem.
11:48:19 3 Q. You got back on the boat to
11:48:20 4 fix the battery?
11:48:22 5 A. Yes.
11:48:22 6 Q. And by boat, we are talking
11:48:25 7 about the big boat?
11:48:25 8 A. The big boat, The Spoil Sport.
11:48:27 9 Q. Because there were smaller
11:48:29 10 boats that took you out; isn't that right?
11:48:31 11 A. Yes.
11:48:31 12 Q. Were those like dinghy?
11:48:35 13 A. Yeah, little rubber,
11:48:37 14 inflatable boats.
11:48:39 15 Q. Okay. So you fixed the
11:48:41 16 computer in The Spoil Sport?
11:48:43 17 A. Yes.
11:48:43 18 Q. Now, walk me through the
11:48:53 19 progression from the -- before you first
11:48:55 20 got in the water and realized there was a
11:48:58 21 problem with the computer, had you gotten
11:49:00 22 in a dinghy to go someplace?

11:49:01 23

A. Yes. Yes.

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11:49:06 1 Q. You and Tina were in the same

11:49:08 2 dinghy?

11:49:08 3 A. Yes.

11:49:08 4 Q. And the dinghy left The Spoil

11:49:10 5 Sport and went to a particular place?

11:49:12 6 A. Yes.

11:49:12 7 Q. And then you all got in the

11:49:13 8 water?

11:49:14 9 A. Correct.

11:49:14 10 Q. Both of you?

11:49:15 11 A. Yes.

11:49:15 12 Q. Were you all just hanging on

11:49:16 13 to the side of the dinghy or did you all

11:49:22 14 start descending?

11:49:24 15 A. Are you talking about when we

11:49:26 16 got out there?

11:49:26 17 Q. Yes.

11:49:27 18 A. When we got out there, I was

11:49:28 19 on, if you are looking towards the bow of

11:49:30 20 the boat, I was on the right, I think she

11:49:32 21 was on the left, straight across. The

11:49:34 22 dive was on the other side -- the side she

11:49:37 23 was on. So I rolled off back, swam under

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11:49:40 1 the boat and, you know, that is where she

11:49:42 2 was. And I noticed my computer was

11:49:44 3 beeping. So I came up and said, well, we

11:49:49 4 are going to have to go back. So we got

11:49:51 5 back on the boat and went back in.

11:49:53 6 Q. Had dinghy ever gotten out of
11:49:55 7 the dinghy?

11:49:56 8 A. Yeah. Yeah. She was off the
11:49:57 9 other side.

11:49:58 10 Q. Okay. You all both got back
11:50:00 11 in and went back on The Spoil Sport?

11:50:02 12 A. Correct.

11:50:03 13 Q. Were there other passengers
11:50:06 14 from The Spoil Sport that went out in the
11:50:09 15 dinghy with you?

11:50:10 16 A. Yes.

11:50:10 17 Q. Did any of them come back with
11:50:15 18 you all?

11:50:17 19 A. I don't think so. But I don't
11:50:19 20 know.

11:50:23 21 Q. How many people were in the
11:50:24 22 dinghy going out with you all?

11:50:26 23 A. I believe there were six

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11:50:28 1 passengers.

11:50:35 2 Q. Had all of them already gone
11:50:37 3 under by the time you realized your
11:50:40 4 computer issue?

11:50:42 5 A. Yes.

11:50:42 6 Q. And they were already on their
11:50:44 7 way down to the wreck, as far as you know?

11:50:46 8 A. As far as I know.

11:50:53 9 Q. So once you went back to The
11:50:55 10 Spoil Sport to fix your computer, did you
11:50:57 11 all take the dinghy back to where you had

11:50:59 12 been?

11:50:59 13 A. Yes.

11:50:59 14 Q. Was there anyone with you
11:51:01 15 going back out?

11:51:01 16 A. Yeah, I believe there was
11:51:03 17 another four people in the boat. I think
11:51:05 18 it was another full boat.

11:51:06 19 Q. And a guide, I assume?

11:51:08 20 A. Well, there's the driver of
11:51:09 21 the boat and then the six passengers.

11:51:12 22 Q. Okay. So they had dining
11:51:17 23 geese just kind of coming and going?

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11:51:20 1 A. Yeah, they had two or three or
11:51:22 2 four, something like that.

11:51:23 3 Q. When you all got to the place
11:51:30 4 where you were supposed to get out of the
11:51:32 5 dinghy, tell me what happened.

11:51:33 6 A. At the dive site?

11:51:35 7 Q. (Nodding.)

11:51:37 8 A. We rolled off the back of the
11:51:38 9 boat, went to the anchor line and starting
11:51:42 10 descending down to the wreck --

11:51:49 11 (Off-the-record discussion.)

11:51:49 12 A. Down to the anchor line,
11:51:50 13 sorry.

11:51:50 14 Q. (BY MR. LANGLEY:) Was this
11:51:51 15 the anchor line for The Spoil Sport?

11:51:54 16 A. No. Somehow they have set
11:51:56 17 permanent moorings up out there that
11:51:59 18 aren't attached to the wreck but they have
11:52:00 19 like a leader line going to it because

11:52:02 20 that way the waves won't tug on it or
11:52:05 21 whatever. It technically wasn't the
11:52:07 22 boat's anchor but I have always called
11:52:09 23 them anchor lines.

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11:52:11 1 Q. Okay. It is something that
11:52:12 2 you can use to help guide you down
11:52:14 3 there --
11:52:15 4 A. Yeah.
11:52:15 5 Q. -- and back up?
11:52:16 6 A. Correct.
11:52:16 7 Q. And that is pretty common?
11:52:18 8 A. Yeah.
11:52:18 9 Q. Like on a reef or a wreck?
11:52:20 10 A. Yes.
11:52:20 11 Q. How far was the dinghy ride?
11:52:32 12 A. I am going to say no more than
11:52:35 13 a hundred yards. I don't even think it
11:52:38 14 was that far but --
11:52:46 15 Q. All right. What happened
11:52:47 16 after you all got in the water for the
11:52:49 17 second time?
11:52:50 18 A. Went down the anchor rope, got
11:52:53 19 down -- I don't know how far it was but we
11:52:57 20 got down about half way down the rope and
11:53:00 21 kind of stopped for a second because there
11:53:02 22 were schools of something swimming around
11:53:04 23 and then went on down to the wreck and

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11:53:06 1 then let off the anchor line and started

11:53:09 2 to go.

11:53:13 3 Q. How far down was the wreck?

11:53:18 4 A. Top of the wreck, I believe,

11:53:19 5 was fifty or fifty-five feet. The bottom,

11:53:24 6 somewhere between a hundred and a hundred

11:53:25 7 and ten.

11:53:26 8 Q. Did you all ever make it down

11:53:35 9 to the bottom?

11:53:35 10 A. No, she was a beginner diver.

11:53:38 11 Q. Oh, so she could only go to a

11:53:40 12 certain depth?

11:53:41 13 A. Correct.

11:53:41 14 Q. Did you all get to the top of

11:53:43 15 the wreck?

11:53:43 16 A. Yeah, we descended directly to

11:53:45 17 the top of the wreck.

11:53:49 18 Q. And so you were at a depth at

11:53:53 19 that time to around fifty to fifty-five

11:53:54 20 feet?

11:53:55 21 A. Yeah, somewhere in that

11:53:56 22 neighborhood.

11:53:56 23 Q. How long were you all down?

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11:54:00 1 A. I was only -- from the time

11:54:01 2 until then until everything happened until

11:54:03 3 I got back to the surface was less than

11:54:05 4 fifteen minutes, I think.

11:54:06 5 Q. What is the maximum length of

11:54:13 6 time that you can stay down at a depth of

11:54:16 7 fifty to fifty-five feet?

11:54:17 8 A. It varies from
11:54:18 9 person-to-person. I mean, I could
11:54:20 10 probably swing it for an hour, maybe.
11:54:24 11 Q. Is there a chart that gives
11:54:26 12 you recommendations?
11:54:27 13 A. Yeah. It would depend on the
11:54:29 14 nitrogen buildup. Obviously the deeper
11:54:31 15 you are, the less you can be there so --
11:54:37 16 Q. How do you know how long you
11:54:38 17 are supposed to -- or how long you can
11:54:41 18 stay down?
11:54:44 19 A. Well, the dive computer counts
11:54:46 20 down. It constantly adjusts where you go
11:54:50 21 up or down or stay the same level. It
11:54:53 22 counts down, then when it gets down to I
11:54:56 23 believe three minutes, then you start your

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11:54:58 1 ascent.
11:54:58 2 Q. I guess it keeps track of what
11:55:01 3 the nitrogen buildup is the likely to be?
11:55:03 4 A. Correct.
11:55:06 5 Q. I think you have told me,
11:55:08 6 though, that it varied from
11:55:10 7 person-to-person?
11:55:11 8 A. Correct.
11:55:11 9 Q. But the dive computer is set
11:55:13 10 for just the average person?
11:55:18 11 A. Well, now the nitrogen buildup
11:55:21 12 is for everybody, as far as I know I think
11:55:24 13 everybody has the same tolerance. But as
11:55:27 14 far as air consumption, depending how long
11:55:29 15 you have done it, some people can stretch

11:55:31 16 it out, you know, if you are diving thirty
11:55:33 17 feet or less, you can stay down for a good
11:55:36 18 while. Then other people go down, they
11:55:38 19 just breathe faster.
11:55:39 20 Q. Do you know what Tina's
11:55:41 21 limitations were at this depth?
11:55:43 22 A. No, I mean, we had been diving
11:55:44 23 at that depth before.

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11:55:45 1 Q. In Blue Water?
11:55:47 2 A. Yes.
11:55:47 3 Q. I say "Blue Water." Blue
11:55:50 4 Water Quarry in Pelham.
11:55:51 5 A. Yes.
11:55:59 6 Q. For how long?
11:56:00 7 A. How long?
11:56:01 8 Q. How long had you all been down
11:56:03 9 in the fifty to fifty-five foot level?
11:56:12 10 A. At Blue Water or there?
11:56:13 11 Q. Blue Water.
11:56:15 12 A. I don't have any idea. We
11:56:17 13 went out there twice and did two tank
11:56:19 14 dives, so I don't know. I would have to
11:56:20 15 look -- have my dive book to see.
11:56:22 16 Q. Do you think you all stayed
11:56:24 17 down there longer than fifteen minutes on
11:56:26 18 at least one occasion?
11:56:27 19 A. I would be pretty sure that we
11:56:29 20 might have.
11:56:29 21 Q. And so why did you all start
11:56:36 22 coming back to the surface?
11:56:38 23 A. When?

11:56:38 1 Q. At the Yongala Wreck.
11:56:40 2 A. Why did we -- we never
11:56:41 3 actually started up towards the surface.
11:56:43 4 I mean, she --
11:56:44 5 Q. You never did?
11:56:46 6 A. She couldn't go up.
11:56:47 7 Q. Tell me what happened?
11:56:48 8 A. I mean, I don't have any idea.
11:56:50 9 That is part of the reason I tried to
11:56:52 10 contact Mike Ball -- not Mike Ball but the
11:56:55 11 Townsville Police because other than
11:56:56 12 sending me the final death certificate
11:56:58 13 saying it was drowning, they haven't said
11:57:00 14 anything about anything.
11:57:04 15 Q. Whether it was a heart
11:57:05 16 problem?
11:57:05 17 A. They haven't said whether it
11:57:06 18 was physical, whether it was equipment,
11:57:08 19 whether it was, you know, the elements,
11:57:10 20 whether it was -- -- what do they call
11:57:15 21 it -- I mean, they haven't even said if it
11:57:18 22 was the bends or any of that stuff. There
11:57:20 23 was just nothing that has led me to

11:57:24 1 believe it was one thing over another.
11:57:25 2 Q. Don't you normally get the
11:57:27 3 bends when you come up too fast?
11:57:28 4 A. Normally. But the
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11:57:30 5 Townsville -- one of the Townsville Police
11:57:32 6 said he was going to talk to a professor
11:57:34 7 who did a study who said you can actually
11:57:37 8 get like the spontaneous bends. I mean, I
11:57:40 9 have never heard of it but --

11:57:44 10 Q. What do you -- I'm sorry. Go
11:57:45 11 ahead.

11:57:46 12 A. I was going to say, that is
11:57:48 13 pretty much the last thing they never said
11:57:51 14 what they found out or what the study
11:57:53 15 said. And you can also get the bends
11:57:55 16 post-mortem, so they just -- I guess they
11:57:58 17 never knew. I don't know.

11:57:59 18 Q. When you dive, you use
11:58:02 19 something called the buddy system; is that
11:58:04 20 right?

11:58:04 21 A. Yeah, you can. I mean, you
11:58:06 22 don't have to.

11:58:06 23 Q. Was Mike Ball Dive Expeditions

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11:58:09 1 requiring that you use the buddy system?

11:58:11 2 A. Unless you requested to do a
11:58:19 3 solo dive.

11:58:20 4 Q. Did you all request to do solo
11:58:22 5 dives?

11:58:22 6 A. No, not at that point.

11:58:24 7 Q. Were you --

11:58:24 8 A. It was on a dive by dive
11:58:27 9 basis.

11:58:27 10 Q. For the purposes of the
11:58:29 11 Yongala Wreck dive, you and Tina were
11:58:31 12 buddies?

11:58:31 13 A. Yes.
11:58:31 14 Q. Did you all stay pretty close
11:58:34 15 together as you went down?
11:58:35 16 A. Yes. Yes.
11:58:35 17 Q. And when you were down
11:58:37 18 swimming around the wreck?
11:58:38 19 A. Yes.
11:58:38 20 Q. And you told me that you all
11:58:40 21 never actually started your ascent. Tell
11:58:43 22 me -- walk through for me, I know it would
11:58:46 23 be painful but walk through for me what

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11:58:48 1 happened.
11:58:49 2 A. Well, we got -- when we first
11:58:51 3 got down to the top of the wreck, we, you
11:58:54 4 know, let go of the anchor rope to start
11:58:57 5 to drift. And the current was coming --
11:59:00 6 it wasn't a forty-five degree angle but it
11:59:03 7 was president going straight down the
11:59:05 8 wreck. It was kind of coming off. So as
11:59:07 9 we floated to the top of the wreck it kind
11:59:09 10 of pushed us out a little bit. So
11:59:11 11 probably within -- we were still within
11:59:14 12 site of the anchor rope but we got out and
11:59:17 13 we kind of looked at each other and kind
11:59:19 14 of did one of these (indicating) and then
11:59:21 15 she did that, meaning let's go back, kind
11:59:24 16 of pointing back to the anchor rope.
11:59:26 17 So we turned around, you know,
11:59:28 18 facing the anchor rope and started to
11:59:30 19 swim. But the way the current was going
11:59:31 20 we weren't moving anywhere. And we

11:59:33 21 couldn't go to the other end of the wreck
11:59:36 22 because of the visibility, you couldn't
11:59:37 23 see.

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11:59:37 1 It was blowing us off of it.
11:59:39 2 So I turned back to her, grabbed the BC
11:59:42 3 motioned to inflate it so that we could
11:59:44 4 just go up. And she grabbed it and
11:59:47 5 squeezed it and did one of these numbers
11:59:49 6 (indicating) like, you know, it wasn't
11:59:51 7 working or whatever. So at that point, I
11:59:54 8 grabbed ahold of -- no, I think at that
11:59:58 9 point I grabbed ahold -- grabbed her hand
12:00:00 10 maybe and we started to swim back -- I
12:00:07 11 think, yeah.

12:00:07 12 I had ahold of her hand, we
12:00:10 13 were swimming back and then at some point
12:00:11 14 we weren't going -- we just weren't making
12:00:14 15 any progress. So I grabbed ahold of the
12:00:16 16 vest like that and kind of just pulled her
12:00:18 17 up like this and started swimming back,
12:00:20 18 you know, trying to go against the current
12:00:23 19 because she obviously couldn't swim
12:00:25 20 against the current.

12:00:26 21 And at some point, either from
12:00:28 22 her trying to swim or me or whatever, my
12:00:31 23 mask and regulator got knocked off. So I

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12:00:33 1 had to let go. By the time I grabbed my
12:00:39 2 mask, got it on, got it cleared, I had to
12:00:41 3 find my regulator, which was broken, so I
12:00:44 4 had to go for a safe second, got it in --
12:00:51 5 the backup regulator, but on mine it is
12:00:53 6 part of the vest. So I grabbed ahold of
12:00:56 7 it. I have got it in. Turned around, and
12:00:58 8 by this -- this point, she was like five
12:01:01 9 or ten feet below me, sinking down towards
12:01:03 10 the bottom.
12:01:04 11 So I upended, you know, gave a
12:01:08 12 few kicks going down, you know, realized I
12:01:11 13 wasn't going to catch her. So at that
12:01:13 14 point, I turned around, took a forty-five
12:01:15 15 degree angle and just hauled to the
12:01:19 16 surface.
12:01:19 17 Q. Do you know why she was
12:01:20 18 descending rather than going with the
12:01:23 19 current?
12:01:25 20 A. No, I don't have any idea.
12:01:27 21 Q. I mean, to stay new rally
12:01:30 22 buoyant in a current, do you have to do
12:01:32 23 something?

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12:01:33 1 A. Once you get your regulator
12:01:35 2 in, or once you get your BC blown up, you
12:01:41 3 are breathing, when you exhale, you will
12:01:43 4 sing. When you breathe in, you will rise
12:01:46 5 because you are introducing more air. So
12:01:47 6 if she wasn't perfectly buoyant, she would
12:01:50 7 have sank. If she exhaled and let all the
12:01:53 8 air out of her lungs, she would have sank

12:01:56 9 pretty fast. You know, I don't know.
12:01:58 10 Q. Do you know if her mask or
12:01:59 11 regulator ever came off?
12:02:03 12 A. I don't think they did. When
12:02:04 13 she was sinking down, her mask and
12:02:06 14 regulator were both in, and they told me
12:02:08 15 when they found her on the bottom, her
12:02:10 16 mask and regulator were still in.
12:02:12 17 Q. Just where they were when she
12:02:14 18 had gone in the water?
12:02:18 19 A. Yeah.
12:02:18 20 Q. After you came to the surface,
12:02:33 21 what did you do?
12:02:34 22 A. I think I just started
12:02:35 23 yelling. I remember one of the boats --

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12:02:39 1 there was one of those little dinghy
12:02:41 2 rubber boats out there. The guy came
12:02:46 3 over, I just remember telling him that it
12:02:48 4 was something happened, Tina sank down to
12:02:51 5 the bottom, then he drug me in the boat
12:02:53 6 and took me back to the spoil sort.
12:02:59 7 Q. Was it just one guy in the
12:03:01 8 dinghy?
12:03:02 9 A. I think so but I don't know.
12:03:03 10 I just remember one guy but --
12:03:08 11 Q. Do you remember who went down
12:03:09 12 for Tina?
12:03:10 13 A. I think they all did. I mean,
12:03:12 14 they had -- I think all their guys had
12:03:14 15 their stuff set out, because I remember
12:03:17 16 they had two -- when I got on the boat,

12:03:19 17 some guys jumped in the other boat and
12:03:22 18 they were asking what she was wearing,
12:03:23 19 where she was at and I was trying to
12:03:25 20 explain to them how far off the rope we
12:03:28 21 were and all that stuff.
12:03:29 22 Q. How far off the rope were you?
12:03:31 23 A. Probably thirty feet, at the

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12:03:36 1 most.
12:03:36 2 Q. Were there other divers around
12:03:38 3 you at that time?
12:03:39 4 A. Where? Yeah, there were
12:03:41 5 people coming and going up, down, all
12:03:43 6 over.
12:03:43 7 Q. But was there anyone that was
12:03:45 8 within eyesight of you when all this was
12:03:48 9 happening?
12:03:48 10 A. Yeah.
12:03:48 11 Q. I take it they didn't realize
12:03:53 12 what was going on, though, as far as you
12:03:54 13 know?
12:03:54 14 A. No. Because I swam -- when I
12:03:56 15 left and did the forty-five degree angle,
12:03:58 16 there were some people on the rope. And I
12:04:00 17 remember I swam straight to them. And I
12:04:02 18 remember this guy was there, and I was
12:04:04 19 trying to -- obviously wasn't thinking --
12:04:07 20 I was trying to talk with my regulator in
12:04:09 21 and he just kind of looked at me. When I
12:04:12 22 realized he had no idea what I was talking
12:04:14 23 about, I shot up to the surface.

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12:04:15 1 Q. Was the current the reason
12:04:17 2 that you were not able to go down and try
12:04:18 3 to get Tina and bring her back?

12:04:21 4 A. No, my experience was the
12:04:23 5 reason I couldn't go down and get her.

12:04:24 6 Q. You are not allowed to go any
12:04:26 7 deeper?

12:04:27 8 A. No, I am. But I couldn't have
12:04:28 9 done anything, I don't think. I mean, I
12:04:32 10 don't know. But I figured at that point
12:04:34 11 it was a lot smarter decision to go up and
12:04:37 12 try to find somebody that is certified and
12:04:39 13 knows how to help somebody in that
12:04:41 14 situation than to go down and do whatever.

12:04:43 15 Q. I don't mean to sound like I
12:04:44 16 am questioning your judgment. I am asking
12:04:46 17 particulars so I understand the full
12:04:48 18 situation here. But in your training and
12:04:50 19 the in your rescue certification training,
12:04:53 20 is this the type of thing that you all had
12:04:54 21 discussed?

12:04:58 22 A. No.

12:04:58 23 Q. So you may already have told

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12:05:12 1 me this. Who actually was able to bring
12:05:15 2 Tina to the surface?

12:05:16 3 A. I believe the guy's name was
12:05:18 4 Craig.

12:05:21 5 Q. Was he from The Spoil Sport?

Watson Deposition.txt

12:05:23 6 A. Yeah, he was one of the Mike
12:05:25 7 Ball employees.
12:05:26 8 Q. Did they bring her directly to
12:05:30 9 The Spoil Sport?
12:05:31 10 A. No.
12:05:31 11 Q. Where did they take her to, a
12:05:35 12 boat that was closer?
12:05:36 13 A. Yeah, some other boat that was
12:05:37 14 out there.
12:05:41 15 Q. Were you already back at The
12:05:44 16 Spoil Sport by this time?
12:05:45 17 A. Yes.
12:05:55 18 Q. Do you know if they attempted
12:05:57 19 CPR when they got her on the other boat?
12:06:00 20 A. Yes, they did.
12:06:01 21 Q. Have you talked to the person
12:06:05 22 who actually did that?
12:06:06 23 A. No.

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12:06:06 1 Q. Do you know who did it?
12:06:11 2 A. One of the Mike Ball
12:06:12 3 employees. I don't know who.
12:06:20 4 Q. There were Mike Ball employees
12:06:22 5 on the other boat?
12:06:24 6 A. No, they -- that is where they
12:06:26 7 brought her up. And Craig was a Mike Ball
12:06:29 8 employee, so he was over there.
12:06:31 9 Q. Okay.
12:06:31 10 A. I think the other -- when they
12:06:33 11 brought her up, I think the other guys
12:06:35 12 that were out there went over there. But
12:06:37 13 I didn't watch them bring her up so I

12:06:40 14 don't have any idea how exactly that
12:06:42 15 happened.

12:06:51 16 Q. And what time did you learn
12:06:52 17 that she could not be revived?

12:06:57 18 A. What time? I don't have any
12:06:58 19 idea.

12:06:59 20 Q. I'm not necessarily talking
12:07:01 21 about time of day, but length of time
12:07:03 22 between things happening, if you can
12:07:05 23 recall?

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12:07:09 1 A. I mean, I don't have any idea.
12:07:12 2 I mean, John told me but I don't know how
12:07:15 3 long -- I mean -- he could probably tell
12:07:20 4 you how long it was.

12:07:20 5 Q. Who is John?

12:07:21 6 A. John was an ER surgeon from
12:07:24 7 Chicago, I believe.

12:07:29 8 Q. He was on The Spoil Sport?

12:07:31 9 A. Yes.

12:07:32 10 Q. Do you know if at some point
12:07:38 11 he was on the other boat?

12:07:40 12 A. Yeah, they got him because
12:07:41 13 they didn't know what to do.

12:07:43 14 Q. And they knew he was a doctor?

12:07:45 15 A. Yes.

12:07:45 16 Q. Do you know if he is the one
12:07:47 17 that attempted to resuscitate Tina?

12:07:50 18 A. He did at some point.

12:08:03 19 Q. So how is it that you actually
12:08:05 20 came to learn that the efforts to
12:08:09 21 resuscitate her were unsuccessful?

12:08:14 22 A. I don't know.
12:08:14 23 Q. Do you remember John's last

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12:08:18 1 name?
12:08:24 2 A. No, I have got it somewhere at
12:08:25 3 home but --
12:08:31 4 Q. Have you talked to John since
12:08:33 5 you returned the States?
12:08:34 6 A. A couple of times.
12:08:43 7 Q. What has he told you, if
12:08:45 8 anything, about the circumstances of the
12:08:47 9 incident? I mean, has he given you any of
12:08:50 10 his observation about what happened, since
12:08:52 11 he wasn't embroiled in the emotional
12:08:55 12 circumstances as much as you?
12:08:57 13 A. He just told me what -- when
12:09:00 14 he got back, when the trip came back out,
12:09:05 15 we went and had dinner, and he just filled
12:09:07 16 me in on all the medical stuff, you know,
12:09:10 17 just from his observations.
12:09:16 18 Q. But was this in November
12:09:18 19 of '03?
12:09:19 20 A. No, this was that -- well, it
12:09:23 21 is the day that the boat got back.
12:09:25 22 Q. This is before you ever left
12:09:27 23 Australia?

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12:09:28 1 A. Right, correct.

12:09:29 2 Q. I think I read somewhere that
12:09:36 3 your mother came in town to be with you?
12:09:40 4 A. Correct.
12:09:40 5 Q. Correct? The three of you had
12:09:43 6 dinner, your mother, you and John?
12:09:46 7 A. No, just me and John.
12:09:47 8 Q. Did he have any criticism of
12:09:50 9 what Mike Ball did or didn't do?
12:09:52 10 A. Yeah, somewhat.
12:09:54 11 Q. What did he say?
12:10:00 12 A. -- said -- one thing that I
12:10:02 13 remember the most was said that they had a
12:10:05 14 damn fine first aid kit but nobody trained
12:10:07 15 to use it.
12:10:08 16 Q. It sounds like there might not
12:10:16 17 have even been anyone on the crew that was
12:10:18 18 trained in CPR. Do you know if that is
12:10:21 19 true or not?
12:10:22 20 A. I don't know if that is true
12:10:23 21 or not. Yeah, I don't know. I would just
12:10:30 22 be guessing.
12:10:30 23 Q. Have you tried to talk to Mike

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12:10:32 1 Ball about this situation?
12:10:33 2 A. No, I have not.
12:10:34 3 Q. Have you made any contact with
12:10:37 4 Mike Ball since you returned the States?
12:10:39 5 A. No, I have not.
12:10:40 6 Q. Did you make any contact with
12:10:42 7 Mike Ball while you were still in
12:10:44 8 Australia but after you got off the boat?
12:10:47 9 A. Just for a couple of days.

12:10:52 10 Q. Did you ever speak to anyone
12:10:54 11 during that period of time?
12:10:56 12 A. They had two guys that were
12:10:57 13 there that first night from Mike Ball
12:11:00 14 corporate.
12:11:00 15 Q. What did they say?
12:11:05 16 A. About the incident?
12:11:07 17 Q. About anything.
12:11:09 18 A. Nothing. They were just there
12:11:11 19 for PR purposes.
12:11:12 20 Q. To field reporter questions?
12:11:15 21 A. No, I think just to make me
12:11:16 22 think that, you know, they didn't do
12:11:19 23 anything wrong.

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12:11:21 1 Q. Did they ever tell you that
12:11:22 2 they didn't think they did anything wrong?
12:11:24 3 A. Not me directly.
12:11:26 4 Q. Have you filed any kind of
12:11:32 5 lawsuit against Mike Ball dive
12:11:35 6 expeditions?
12:11:35 7 A. No, I have not.
12:11:36 8 Q. Have you retained counsel in
12:11:38 9 Australia to evaluate that as a
12:11:41 10 possibility?
12:11:41 11 A. No, I have not.
12:11:42 12 Q. Do you intend to?
12:11:44 13 A. No idea.
12:11:46 14 Q. Do you know what a statute of
12:12:00 15 limitations is, have you ever heard that
12:12:01 16 term?
12:12:02 17 A. Yes.

12:12:02 18 Q. Do you know if the statute of
12:12:04 19 limitations or the equivalent Australia
12:12:06 20 has run?
12:12:07 21 A. It runs out October 22nd of
12:12:09 22 this year.
12:12:10 23 Q. How did you learn that?

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12:12:14 1 A. Internet.
12:12:15 2 Q. You mentioned that when
12:12:24 3 Tina -- right after Tina motioned that she
12:12:31 4 wanted to go back to the anchor line, you
12:12:34 5 told her to inflate her BC; she attempted
12:12:37 6 to do that but it didn't inflate?
12:12:38 7 A. Correct.
12:12:39 8 Q. Do you know who manufactured
12:12:40 9 that BC?
12:12:41 10 A. I believe it was Oceanic.
12:12:46 11 Q. Do you know that the failure
12:12:51 12 of her BC was a contributing factor in her
12:12:54 13 death?
12:12:54 14 A. I don't know if it failed. I
12:12:55 15 mean, I don't have any idea.
12:12:58 16 Q. Have you filed a lawsuit
12:12:59 17 against Oceanic?
12:13:01 18 A. No.
12:13:01 19 Q. Do you intend to?
12:13:03 20 A. Probably not.
12:13:10 21 Q. From what you could tell, did
12:13:12 22 it look like she properly attempted to
12:13:16 23 inflate the BC?

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12:13:17 1 A. I can -- I mean, the only
12:13:19 2 thing I saw was her squeeze her hand.
12:13:21 3 Whether she did it right or not, I have no
12:13:24 4 idea.

12:13:24 5 Q. Had she used that same
12:13:29 6 equipment in your dives together at Blue
12:13:31 7 Water in Pelham?

12:13:31 8 A. Yes.

12:13:37 9 Q. Had you seen her inflate the
12:13:40 10 BC before during those dives?

12:13:42 11 A. At Blue Water.

12:13:43 12 Q. At Blue Water.

12:13:44 13 A. Yes.

12:13:45 14 Q. And it worked on those
12:13:46 15 occasions?

12:13:46 16 A. Yes.

12:13:59 17 Q. Did you ever see Tina lose
12:14:00 18 consciousness during the incident?

12:14:05 19 A. I never saw her. I mean, I
12:14:07 20 don't know if I have ever seen anybody
12:14:09 21 unconscious so I don't know. I mean, the
12:14:11 22 last time I saw her, her eyes were open.

12:14:13 23 Q. And she was falling down?

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12:14:15 1 A. Right.

12:14:22 2 MR. LANGLEY: You all want to
12:14:23 3 take a thirty-minute break, get some
12:14:26 4 lunch.

12:14:27 5 MR. LILIENTHAL: That is fine
12:14:27 6 with me.

12:14:28 7 Q. (BY MR. LANGLEY:) Is that
12:14:29 8 okay with you, Mr. Watson? We will go off
12:14:32 9 the record.
12:14:33 10 (Whereupon, a lunch break was
11 had from 12:14 p.m. until 1:04
13:04:25 12 p.m.)
13:06:02 13 Q. (BY MR. LANGLEY:) Are you
13:06:02 14 ready to keep going, Mr. Watson?
13:06:05 15 A. Yeah.
13:06:05 16 MR. LANGLEY: Are you ready?
13:06:07 17 THE REPORTER: Yes, sir.
13:06:09 18 Q. (BY MR. LANGLEY:) We are back
13:06:10 19 from a lunch break. I wanted to follow up
13:06:14 20 on a couple of things we had been
13:06:15 21 discussing. We had been talking about
13:06:21 22 some other stuff.
13:06:22 23 A. Okay.

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13:06:23 1 Q. We had talked a little bit
13:06:24 2 about Tina's equipment. Did you help her
13:06:27 3 pick out her equipment at The Dive Site?
13:06:29 4 A. No, I wasn't there when she
13:06:31 5 purchased it.
13:06:32 6 Q. Do you know if anyone was?
13:06:34 7 A. Well, I mean, somebody from
13:06:36 8 The Dive Site would have had to have been
13:06:38 9 there.
13:06:38 10 Q. But like a family member or a
13:06:40 11 friend?
13:06:41 12 A. Not to my knowledge.
13:06:42 13 Q. Do you know when she purchased
13:06:43 14 it?

13:06:47 15 A. I think she did it when she
13:06:49 16 was going through her certification so she
13:06:51 17 could learn on the equipment she was
13:06:53 18 buying, but I'm not positive.

13:06:54 19 Q. You had told me that when you
13:06:56 20 first realized there was a problem
13:06:58 21 underwater, you motioned for her to
13:07:00 22 squeeze her BC?

13:07:01 23 A. Correct.

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13:07:02 1 Q. And she squeezed it but
13:07:04 2 nothing happened?

13:07:05 3 A. Not to my knowledge, nothing
13:07:06 4 happened.

13:07:06 5 Q. Well, did you see it inflate?

13:07:08 6 A. You wouldn't have been able to
13:07:10 7 see it inflate.

13:07:11 8 Q. That is not something you
13:07:12 9 could visually see?

13:07:15 10 A. No, you couldn't visually see
13:07:17 11 it, I don't think.

13:07:18 12 Q. But is the result of squeezing
13:07:19 13 the BC usually that someone rises?

13:07:22 14 A. Yes.

13:07:22 15 Q. At that time, did you believe
13:07:24 16 that her BC was not working?

13:07:27 17 A. I don't think I believed one
13:07:28 18 or the other. I just know she grabbed it
13:07:31 19 and it didn't inflate. I mean, she could
13:07:34 20 have not hit the right button. She could
13:07:36 21 have -- I mean, there's -- I mean, just --

13:07:38 22 Q. You just don't know?

13:07:40 23 A. Anyone's guess is as good as

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13:07:43 1 someone else's.

13:07:43 2 Q. Did you reach over and try to
13:07:45 3 do it for her?

13:07:46 4 A. No, I didn't.

13:07:47 5 Q. Was she out of reach at that
13:07:49 6 point?

13:07:49 7 A. We were probably about five
13:07:50 8 feet from each other, something like that.

13:07:52 9 Q. Did you try to at some point
13:07:54 10 swim over to her?

13:07:55 11 A. That was when -- when it
13:07:57 12 didn't do anything, that was when we
13:08:00 13 turned to try to swim back, stick your arm
13:08:02 14 out.

13:08:02 15 Q. At some point you were able to
13:08:04 16 make contact with her and grab her,
13:08:06 17 correct?

13:08:06 18 A. Correct.

13:08:07 19 Q. And then somehow your face
13:08:11 20 mask and regulator came off?

13:08:13 21 A. Correct.

13:08:13 22 Q. Do you know if that was
13:08:14 23 because she was panicking and pulled it

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13:08:17 1 off or whether you knocked it off or what?

13:08:19 2 A. I have no idea. I really

13:08:21 3 don' t.
13:08:22 4 Q. Before all of this happened,
13:08:39 5 you had mentioned that Tina had given you
13:08:39 6 a hand signal. And I think you showed me
13:08:39 7 it was a thumbs up or kind of a thumbs up
13:08:39 8 at forty-five degrees. Is that the
13:08:39 9 signature?
13:08:39 10 A. She motioned back to the
13:08:41 11 anchor rope to head back that way.
13:08:44 12 Q. Is the thumb sign, is that a
13:08:46 13 sign of art in diving?
13:08:47 14 A. Yeah.
13:08:48 15 Q. That is something that you
13:08:50 16 learn in diver training?
13:08:52 17 A. Yeah.
13:08:52 18 Q. Does it always mean let's go
13:08:55 19 to the surface?
13:08:56 20 A. No. I mean, like in this
13:08:58 21 instance, she did like that meaning let's
13:09:00 22 go this way (demonstrating).
13:09:04 23 Q. What was that way?

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13:09:05 1 A. Back towards the anchor rope.
13:09:07 2 Q. So that you could ascend?
13:09:08 3 A. Yes.
13:09:08 4 Q. And did you all start going
13:09:11 5 towards the anchor rope?
13:09:12 6 A. We started swimming in that
13:09:14 7 direction.
13:09:15 8 Q. And did I hear you correctly
13:09:16 9 to say there was some sort of current that
13:09:18 10 was carrying you all?

13:09:20 11 A. Correct.
13:09:20 12 Q. Was it about a forty-five
13:09:22 13 degree angle from the wreck?
13:09:24 14 A. Well, I mean, I don't know if
13:09:25 15 it was exactly forty-five degrees but it
13:09:27 16 was coming across the wreck.
13:09:29 17 Q. It wasn't running parallel to
13:09:35 18 the wreck?
13:09:35 19 A. Correct.
13:09:35 20 Q. As I understand, there are
13:09:40 21 multiple moorings or anchor weights around
13:09:47 22 this Yongala Wreck; is that accurate?
13:09:49 23 A. I have no idea. I only saw

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13:09:51 1 the start.
13:09:52 2 Q. As far as you know, there was
13:09:53 3 just the one where you went?
13:09:55 4 A. Correct.
13:09:55 5 Q. Can you describe where in
13:09:59 6 relation to the boat this anchor point
13:10:03 7 was?
13:10:07 8 A. It was out in front of the
13:10:09 9 boat. But, I mean, the first time I have
13:10:11 10 been to Australia, the first time I have
13:10:13 11 ever been diving in the Coral Sea. We got
13:10:16 12 off the back of the boat, went out to the
13:10:18 13 front, and they dropped us. I have no
13:10:21 14 idea in relation to what was running what
13:10:22 15 way, it was.
13:10:25 16 Q. You had said earlier it was
13:10:27 17 about a hundred yards from The Spoil
13:10:28 18 Sport. Is that from the bow of The Spoil

13:10:31 19 Sport?
13:10:31 20 A. From back the dinghies.
21 (Whereupon, a break was had
13:14:51 22 from 1:10 p.m. until 1:14 p.m.)
13:14:51 23 Q. (BY MR. LANGLEY:) When you

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13:14:51 1 say the back of the dining geese, were the
13:14:54 2 dining geese on the back of The Spoil
13:14:56 3 Sport?
13:14:56 4 A. Correct.
13:14:57 5 Q. So you got in the dining
13:14:58 6 geese, you went around the side of the
13:15:00 7 boat to the front?
13:15:01 8 A. Correct.
13:15:01 9 Q. And then how much further,
13:15:03 10 once you got to the front of the boat, did
13:15:07 11 you go to get to the anchor point?
13:15:09 12 A. I am guessing from the back of
13:15:11 13 the boat we went a hundred yards maybe but
13:15:14 14 I'm not sure how long the boat was or, you
13:15:16 15 know, any of that kind of stuff.
13:15:17 16 Q. You had said earlier it was
13:15:19 17 about sixty feet.
13:15:20 18 A. Guessing. I mean, you know --
13:15:24 19 I can't judge distances all that well.
13:15:27 20 Q. Were the anchor points -- was
13:15:30 21 there some sort of platform at the top of
13:15:32 22 these?
13:15:33 23 A. Above the surface.

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13:15:34 1 Q. At the top of the anchor
13:15:37 2 points? Yes, above the surface?
13:15:39 3 A. Just the buoy, the rubber
13:15:42 4 air-filled buoy.
13:15:42 5 Q. And the buoy was sturdy enough
13:15:45 6 that you could actually kind of pull your
13:15:47 7 way down on the anchor rope?
13:15:48 8 A. Yeah, it is attached to the
13:15:50 9 wreck or to something right on the wreck
13:15:52 10 or beside the wreck. So you pull yourself
13:15:55 11 down and then you are there.
13:16:02 12 Q. I may have asked you this
13:16:04 13 earlier but had you done any research on
13:16:06 14 the Yongala Wreck dive prior to the trip?
13:16:08 15 A. No.
13:16:09 16 Q. Hadn't bought any books about
13:16:10 17 it or anything like that?
13:16:11 18 A. No.
13:16:11 19 Q. Or done any internet research?
13:16:13 20 A. No, nothing prior to the trip.
13:16:28 21 Q. You told me earlier about
13:16:29 22 barotrauma to your inner ear.
13:16:34 23 A. Correct.

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13:16:34 1 Q. Did you have medical treatment
13:16:36 2 in Australia for that?
13:16:37 3 A. I did.
13:16:38 4 Q. Who treated you?
13:16:46 5 A. I don't know. Some lady.
13:16:47 6 Q. I have seen the name Dr.
13:16:49 7 Gillespie somewhere. Is that --

13:16:51 8 A. That may -- if that was an
13:16:53 9 Australian doctor, then that would have
13:16:55 10 been her.
13:16:55 11 Q. It was a female?
13:16:56 12 A. Yes.
13:17:01 13 Q. How did you first notify
13:17:03 14 Travel ex or Old Republic of what happened?
13:17:12 15 A. Believe that we just made a
13:17:14 16 phone call from the hotel.
13:17:15 17 Q. To one of the numbers on the
13:17:16 18 sheet that you had?
13:17:18 19 A. I believe so. I didn't make
13:17:19 20 any notification until my mom got over
13:17:21 21 there.
13:17:21 22 Q. Let me show you what I have
13:17:23 23 marked as Exhibit 5 to your deposition.

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13:17:26 1 (Whereupon, Defendant's
2 Exhibit 5 was marked for
13:17:27 3 identification.)
13:17:27 4 Q. (BY MR. LANGLEY:) It is
13:17:27 5 similar to what we earlier marked as
13:17:29 6 Exhibit 3, but this one has some stuff at
13:17:34 7 the bottom with numbers. Do you see that?
13:17:38 8 A. I do.
13:17:38 9 Q. And by "this one," I was
13:17:40 10 referring to Exhibit 5.
13:17:42 11 A. Okay.
13:17:43 12 Q. Seeing Exhibit 5 now, do you
13:17:46 13 recall receiving that document after you
13:17:49 14 sent in your enrollment form?
13:17:51 15 A. Yes, I do.

13:17:52 16 Q. And is the information at the
13:17:55 17 very bottom of Exhibit 5 the stuff that
13:17:58 18 you tore off and stuck in your wallet when
13:18:02 19 you traveled?

13:18:02 20 A. I believe the Traveler Compass
13:18:06 21 Assistant was what I took.

13:18:07 22 Q. This is the information on
13:18:09 23 your right at the bottom?

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13:18:14 1 A. Correct.

13:18:14 2 Q. The bottom right-hand side of
13:18:17 3 the page?

13:18:17 4 A. Correct.

13:18:17 5 Q. When did your mom actually get
13:18:20 6 down to Australia?

13:18:22 7 A. I think she got there on
13:18:23 8 Friday.

13:18:29 9 Q. And the 22nd was what day of
13:18:31 10 the week?

13:18:31 11 A. Tuesday, I believe.

13:18:32 12 Q. So you were there for three
13:18:34 13 days by yourself?

13:18:35 14 A. Yeah, two and a half, three
13:18:37 15 days, something like that.

13:18:38 16 Q. Okay. When your mom got there
13:18:40 17 I think is when you said she called
13:18:42 18 Traveler?

13:18:42 19 A. No. I said we didn't make
13:18:44 20 any -- I didn't call anybody until after
13:18:46 21 she got there.

13:18:47 22 Q. By "anybody," you are talking
13:18:49 23 about Traveler?

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13:18:49 1 A. As far as the -- yes.
13:18:50 2 Q. You had made other calls
13:18:52 3 before she got there?
13:18:53 4 A. Correct.
13:18:54 5 Q. Made arrangements with DAN and
13:18:56 6 others?
13:18:56 7 A. No, I had not talked to DAN.
13:18:59 8 Q. Oh, I'm sorry. You had talked
13:19:01 9 to Morleys?
13:19:03 10 A. No, I had not talked to
13:19:04 11 Morleys, I don't believe so.
13:19:05 12 Q. Who made the arrangements with
13:19:07 13 Morleys?
13:19:13 14 A. The lady from the U.S.
13:19:15 15 consulate, I believe she faxed over three
13:19:17 16 funeral homes. Candi Bruce said that
13:19:22 17 her husband's brother, when he died, they
13:19:24 18 used Morleys and that she thought they
13:19:26 19 were reputable. So that was who we had
13:19:29 20 the hospital transfer her to.
13:19:31 21 Q. Is Candi Bruce the consulate?
13:19:34 22 A. No, she is a counselor, for
13:19:43 23 lack of a better word.

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13:19:44 1 Q. Well, who is the first person
13:19:46 2 that you contacted when you got back to
13:19:48 3 shore?

13:19:48 4 A. Probably -- well, I mean, I
13:19:52 5 spent seven hours at the police station,
13:19:54 6 so I made a phone call to my dad while I
13:19:56 7 was there, then I didn't talk to anybody
13:19:58 8 else until the next day.
13:20:04 9 Q. When you got back to the dock,
13:20:07 10 did you go directly to the police station?
13:20:09 11 A. In a roundabout way, yeah.
13:20:11 12 Q. What do you mean in a
13:20:14 13 roundabout way?
13:20:14 14 A. Well, we didn't dock and then
13:20:16 15 them sling me in a car and go to the
13:20:19 16 police station. I mean they milled around
13:20:21 17 for an hour or two.
13:20:22 18 Q. They didn't sling you in a car
13:20:24 19 ever, did they?
13:20:25 20 A. Well, no, the way you said it
13:20:26 21 was that we docked and as soon as we
13:20:28 22 docked, we jumped off the boat.
13:20:30 23 Q. No, I was just trying to get

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13:20:32 1 an understanding for how it worked, from
13:20:33 2 the time that you docked until the time
13:20:35 3 that you went to the police station to
13:20:36 4 talk to them?
13:20:37 5 A. I mean, I didn't do much of
13:20:40 6 anything during that time. They did all
13:20:42 7 their stuff. I just kind of wondered the
13:20:44 8 boat.
13:20:45 9 Q. Was anyone asking you
13:20:46 10 questions?
13:20:47 11 A. The police?

13:20:48 12 Q. Yeah, at the dock.
13:20:49 13 A. No.
13:20:50 14 Q. They waited until you got to
13:20:51 15 the station?
13:20:52 16 A. Correct.
13:20:56 17 Q. Do you know how much time I
13:20:58 18 lapsed before you went to the station?
13:21:01 19 A. No, I don't. I know we got
13:21:02 20 back to the dock about 5:00, so --
13:21:11 21 Q. The only person you called
13:21:12 22 that day was your dad?
13:21:14 23 A. Yes, correct.

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13:21:17 1 Q. I take it at that time, your
13:21:19 2 mom started making arrangements to get
13:21:22 3 down there?
13:21:22 4 A. Correct.
13:21:23 5 Q. And she arrived on Friday?
13:21:28 6 A. I believe so.
13:21:29 7 Q. When you first called one of
13:21:34 8 the numbers on that sheet that you had in
13:21:37 9 your wallet from Exhibit 5 --
13:21:38 10 A. Uh-huh.
13:21:39 11 Q. -- who did you talk to?
13:21:41 12 A. I have no idea.
13:21:42 13 Q. Did you make the call or did
13:21:45 14 your mom?
13:21:45 15 A. I believe I made one of the
13:21:49 16 calls, but there were several calls.
13:21:51 17 Q. Do you know how many?
13:21:53 18 A. No. I have no idea.
13:21:56 19 Q. More than five?

13: 21: 57 20 A. Maybe. I don't know.
13: 22: 00 21 Q. And right now, I'm talking
13: 22: 02 22 about while you were still in Australia.
13: 22: 04 23 A. Right. But, I mean, I don't

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13: 22: 06 1 have any idea. I mean my mom talked to
13: 22: 09 2 them some, I talked to them some. Morleys
13: 22: 11 3 talked to them some. Could have been
13: 22: 13 4 anywhere from five to thirty. I just
13: 22: 15 5 don't have any idea.
13: 22: 16 6 Q. What were the issues that you
13: 22: 17 7 were discussing with them?
13: 22: 19 8 A. I just called to find out what
13: 22: 20 9 we needed to do. That was pretty much my
13: 22: 23 10 only involvement in it.
13: 22: 25 11 Q. What did they tell you?
13: 22: 29 12 A. Who?
13: 22: 30 13 Q. The people that you talked to.
13: 22: 31 14 A. They said to save all
13: 22: 33 15 receipts, all expenses, whatever, and
13: 22: 39 16 then, you know, submit it when you get
13: 22: 41 17 back.
13: 22: 41 18 Q. Were there any discussions
13: 22: 46 19 while you were in Australia about what was
13: 22: 49 20 covered and what was not?
13: 22: 50 21 A. No, not to my knowledge.
13: 22: 57 22 Q. Do you remember the names of
13: 22: 59 23 anyone with whom you or your mother spoke?

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13:23:05 1 A. No, I don't.
13:23:07 2 Q. But your mom did have some of
13:23:09 3 those discussions?
13:23:10 4 A. I know she had talked to some
13:23:11 5 people.
13:23:14 6 Q. Do you know if you all made
13:23:16 7 any notes about your conversations with
13:23:18 8 those people?
13:23:18 9 A. My mom probably did.
13:23:19 10 Q. Have you asked her if she
13:23:24 11 still has those notes?
13:23:25 12 A. No.
13:23:26 13 Q. When was it that you actually
13:23:39 14 submitted a claim to Traveler in
13:23:41 15 connection with your trip to Australia?
13:23:44 16 A. Sometime after we got back,
13:23:46 17 but, I mean, I would guess within thirty
13:23:49 18 to sixty days, maybe. But I don't know
13:23:51 19 the exact time.
13:23:52 20 Q. When did you get back?
13:23:55 21 A. The funeral was November 5th.
13:24:06 22 November 1st or second.
13:24:20 23 Q. What other insurance policies

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13:24:24 1 of any type did you make claims on in
13:24:27 2 connection with this incident?
13:24:29 3 A. Did I make claims on? This
13:24:31 4 was the only claims forms I filled out.
13:24:33 5 Q. Did you have any, for example,
13:24:40 6 life insurance on Tina?
13:24:41 7 A. No.
13:24:42 8 Q. Did she have any life

13:24:44 9 insurance through her job?
13:24:47 10 A. Nothing that was -- that I was
13:24:50 11 named beneficiary to. You would have to
13:24:52 12 ask her parents about all the others.
13:24:55 13 Q. Do you know if she had some
13:24:57 14 that were in her parents' names?
13:24:58 15 A. She might have. I don't know.
13:24:59 16 They told us, talking about Parisian's,
13:25:02 17 that they had a burial policy but, I mean,
13:25:05 18 whether they did or not, I don't know.
13:25:07 19 Q. Did you actually talk to
13:25:11 20 someone from Parisian's about this?
13:25:13 21 A. Yes, I did.
13:25:14 22 Q. Who?
13:25:15 23 A. Somebody in human resources.

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13:25:16 1 Q. At Parisian's here in
13:25:18 2 Birmingham?
13:25:19 3 A. Yeah. It may have been Saks,
13:25:21 4 but it was one of the two.
13:25:24 5 Q. And ultimately, though, you
13:25:28 6 didn't get any money from that policy?
13:25:30 7 A. No.
13:25:30 8 Q. Do you know one way or the
13:25:34 9 other whether Tina's parents did?
13:25:38 10 A. I don't know. I'm not sure
13:25:39 11 that there was a policy. But if there
13:25:41 12 was, there was somebody other than me.
13:25:42 13 Q. This conversation that you had
13:25:44 14 with someone in human resources, was this
13:25:47 15 in person or on the phone?
13:25:49 16 A. On the phone.

13:25:55 17 Q. Was this the only conversation
13:25:56 18 that you ever had with anyone about
13:26:00 19 Parisian's about her benefits?
13:26:02 20 A. I believe so.
13:26:14 21 Q. Do you know if she had any
13:26:15 22 other insurance which paid any of her
13:26:17 23 final expenses?

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13:26:21 1 A. Other than what we have?
13:26:23 2 Q. Other than -- that is a fair
13:26:26 3 question. Name for me all of the
13:26:29 4 insurance that contributed any portion to
13:26:32 5 covering her final expenses?
13:26:38 6 A. The only stuff that I know
13:26:39 7 about, the only coverage we had was
13:26:41 8 Traveler, which didn't contribute
13:26:43 9 anything, to my knowledge, DAN, which paid
13:26:45 10 to get her back. She had Blue Cross. I
13:26:48 11 don't know if they contributed. I sent
13:26:49 12 that information to DAN. And as far as I
13:26:58 13 know, that is the only insurance.
13:26:59 14 Q. Did Traveler pay anything in
13:27:01 15 connection with this incident?
13:27:03 16 A. Not to my knowledge. Now,
13:27:04 17 they could have paid something directly to
13:27:06 18 Morleys, but as far as reimbursement for
13:27:08 19 expenses or anything like that, they have
13:27:10 20 not sent me anything.
13:28:00 21 (Whereupon, Defendant's
22 Exhibit 6 was marked for
13:28:01 23 identification.)

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13:28:01 1 Q. (BY MR. LANGLEY:) Let me show
13:28:02 2 you what I have marked as Exhibit 6. What
13:28:08 3 is that document?

13:28:11 4 MR. LILIENTHAL: What was 5?

13:28:13 5 A. Oh, 5 was the --

13:28:14 6 MR. LILIENTHAL: The
13:28:15 7 confirmation -- the second Confirmation of
13:28:17 8 Coverage?

13:28:18 9 A. 3 and 5. Can you repeat what
13:28:22 10 you said?

13:28:22 11 Q. (BY MR. LANGLEY:) What is
13:28:23 12 Exhibit 6?

13:28:25 13 A. Oh, it appears to be the form
13:28:29 14 submitted to Traveler, the reimbursement
13:28:36 15 claim.

13:28:37 16 Q. Is this the reimbursement
13:28:39 17 claim in connection with your ear
13:28:42 18 injuries?

13:28:50 19 A. Let's see. Yeah. This looks
13:28:55 20 like part of the claim. Doesn't look like
13:28:57 21 the whole thing.

13:28:57 22 Q. What part do you think is
13:28:59 23 missing?

13:28:59 1 A. The part that has itemized
13:29:01 2 receipts and all other reimbursable
13:29:07 3 expenses. This looks like just the
13:29:08 4 medical claim part of it.

13:29:10 5 Q. Was there a document that you
13:29:16 6 sent to Travel ex which itemized everything
13:29:19 7 you were claiming?
13:29:20 8 A. Yeah, I believe so.
13:29:24 9 Q. What did that document look
13:29:25 10 like?
13:29:25 11 A. I don't know. I have got
13:29:27 12 copies of all that at home. I am sure Kit
13:29:30 13 has one too, because it had a copy of the
13:29:40 14 police report, a copy of all that stuff.
13:29:42 15 Q. I'm sorry. Go ahead.
13:29:44 16 A. I was going to say, I think it
13:29:46 17 was a thick -- thick stuff. Because I had
13:29:47 18 copies of all receipts. I didn't send any
13:29:50 19 originals, just in case something like
13:29:53 20 this happened and I sent copies. I had
13:29:54 21 the police report attached to it. I think
13:29:56 22 there were other questions and stuff like
13:29:59 23 that. I sent the invoices from -- or the

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13:30:03 1 unused portion, receipts for the unused
13:30:07 2 portion for the trip being reimbursed.
13:30:12 3 Yeah. Is that it.
13:30:31 4 (Whereupon, Defendant's
5 Exhibit 7 was marked for
13:30:31 6 identification.)
13:30:31 7 Q. (BY MR. LANGLEY:) Let me show
13:30:32 8 you what I have marked as Exhibit 7. What
13:30:35 9 is that?
13:30:41 10 A. Looks like the other part of
13:30:42 11 the attached list. Yeah. This is the
13:30:45 12 part I was talking about.

13:30:57 13 Q. Where is the attached list?
13:30:59 14 A. Probably in your stack of
13:31:00 15 papers.
13:31:03 16 Q. I'm sorry. I thought you were
13:31:04 17 referring to something in Exhibit 7.
13:31:06 18 A. Oh, well, I am just saying it
13:31:08 19 says "see attached list." It was attached
13:31:12 20 with all the other stuff.
13:31:13 21 Q. Oh.
13:31:14 22 A. It was sent in with this and
13:31:16 23 this.

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13:31:16 1 Q. These are two separate claim
13:31:18 2 forms, correct?
13:31:19 3 A. Correct.
13:31:19 4 Q. One is in connection with your
13:31:22 5 ear injury and the other is as a result of
13:31:26 6 the trip cancellation as a result of
13:31:28 7 Tina's death.
13:31:29 8 A. Yeah, they were all part of
13:31:31 9 one claim that was sent in.
13:31:33 10 Q. Were you told that you had to
13:31:35 11 fill out two different claim forms?
13:31:38 12 A. Well, it said in there
13:31:40 13 something about medical stuff,
13:31:43 14 reimbursement for medical claims or
13:31:45 15 whatever. So I filled that out, which was
13:31:47 16 this one right here that has about the
13:31:50 17 barotrauma, the Divers Alert and all that.
13:31:55 18 Then I filled this out after all the other
13:31:57 19 expenses.
13:31:58 20 Q. The first one you were just

13:32:00 21 talking about is Exhibit 6 and the second
13:32:04 22 one is Exhibit 7?
13:32:05 23 A. Correct.

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13:32:05 1 Q. On the back of -- on the last
13:32:15 2 page of Exhibit 6, there's a signature
13:32:17 3 line.
13:32:19 4 A. Correct.
13:32:20 5 Q. That is your signature?
13:32:22 6 A. Yes, it is.
13:32:22 7 Q. And the date next to it,
13:32:25 8 11/12/03, is that when you think you sent
13:32:31 9 in your claim?
13:32:31 10 A. Yeah, I would assume so.
13:32:33 11 Q. Now, looking at the last page
13:32:35 12 of Exhibit 7, that also is your signature?
13:32:46 13 A. Yes.
13:32:46 14 Q. And the date there is January
13:32:48 15 19th, 2004?
13:32:49 16 A. Correct.
13:32:50 17 Q. That is the date you think you
13:32:51 18 sent in the trip cancellation or trip
13:32:56 19 interruption claim for?
13:32:57 20 A. I would assume so.
13:33:00 21 Q. Do you know why there was a
13:33:06 22 two plus month degree between the
13:33:09 23 submission of these forms?

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13:33:14 1 A. No, I do not unless one of
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13:33:15 2 them was easier for me to fill out. Yeah,
13:33:17 3 because -- the first one was just by me.
13:33:21 4 The other one I had to wait until I had
13:33:24 5 all receipts, all credit card receipts,
13:33:26 6 all phone call receipts, I mean,
13:33:28 7 everything.

13:33:28 8 So the second one took a
13:33:30 9 considerable amount of time, given the
13:33:34 10 amount of receipts and information that
13:33:36 11 had to be sent in with it.

13:33:38 12 Q. And as far as you know, you
13:33:40 13 have never received any reimbursement from
13:33:43 14 Travel ex?

13:33:43 15 A. No, I have not.

13:34:05 16 (Whereupon, Defendant's
17 Exhibit 8 was marked for
13:34:06 18 identification.)

13:34:06 19 Q. (BY MR. LANGLEY:) Let me show
13:34:07 20 you what I have marked as Exhibit 8. Do
13:34:09 21 you recognize that document?

13:34:12 22 A. Yes.

13:34:12 23 Q. What is it?

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13:34:15 1 A. It looks like one of the Old
13:34:20 2 Republic forms they sent.

13:34:27 3 Q. Do you know when you filled
13:34:28 4 this out?

13:34:28 5 A. I would assume in some kind of
13:34:30 6 the same time frame at the other stuff,
13:34:33 7 but I'm not positive.

13:34:41 8 Q. Did you have a number of
13:34:42 9 conversations with people from Travel ex or

13:34:44 10 Old Republic after you returned the
13:34:46 11 States?
13:34:47 12 A. No, sir, I have no.
13:34:48 13 Q. Have you had any?
13:34:49 14 A. I don't believe so.
13:34:49 15 Q. How did it come to be that you
13:34:54 16 got the claim forms that you needed to
13:34:56 17 send in?
13:34:57 18 A. I guess when Mom -- well, when
13:34:59 19 Mom was planning her trip, she had talked
13:35:01 20 to Freida. And my mom said that Freida
13:35:04 21 went ahead and started the process to get
13:35:06 22 the claims forms.
13:35:07 23 Because I believe that they

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13:35:09 1 were actually mailed either to my mom or
13:35:11 2 to my house. So they were actually mailed
13:35:13 3 to me.
13:35:15 4 Q. You never had to make a call
13:35:17 5 to get them?
13:35:18 6 A. No, I don't believe so.
13:35:23 7 Q. Since you have returned to the
13:35:25 8 United States, have you at any time spoken
13:35:27 9 with a representative from Travel ex or Old
13:35:29 10 Republic?
13:35:29 11 A. No, I don't believe so.
13:35:37 12 Q. Is the only time that you have
13:35:38 13 spoken with a representative of Travel ex
13:35:40 14 or Old Republic while you were in
13:35:43 15 Australia?
13:35:44 16 A. Yeah, I believe so.
13:35:46 17 Q. And this was after Tina's

13:35:47 18 death?
13:35:48 19 A. Correct.
13:35:48 20 Q. Tell me what you know about of
13:36:07 21 the denial of your insurance claim with
13:36:09 22 Traveler.
13:36:09 23 A. What do you mean what I know

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13:36:11 1 about it.
13:36:12 2 Q. Were you aware that it was
13:36:14 3 denied?
13:36:14 4 A. Yeah.
13:36:15 5 Q. All right. What do you know
13:36:16 6 about the reasons stated as to why it was
13:36:18 7 denied?
13:36:19 8 A. They sent me brochure or a
13:36:22 9 printout from '04 and said that because
13:36:25 10 the '04 brochure said diving was excluded
13:36:28 11 that they weren't going to pay.
13:36:35 12 Q. When you say brochure, are you
13:36:37 13 talking about something similar in form to
13:36:40 14 Exhibit 1?
13:36:41 15 A. Yes, it was except it was the
13:36:43 16 next year's issued policy, not the one
13:36:46 17 that I actually made the purchase off of.
13:36:51 18 Q. The one that you actually made
13:36:53 19 the purchase off of is identical to
13:36:55 20 Exhibit 1?
13:36:56 21 A. Yes, I believe so.
13:36:57 22 Q. And I think you told me just a
13:37:02 23 few minutes ago that at some point after

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13:37:04 1 you sent in the enrollment form that was

13:37:06 2 attached to Exhibit 1, you received

13:37:09 3 Exhibit 5. Correct?

13:37:13 4 A. Correct.

13:37:16 5 Q. And Exhibit 5 came in an

13:37:17 6 envelope with some other stuff --

13:37:19 7 MR. LILIENTHAL: Object to the

13:37:20 8 form.

13:37:20 9 Q. (BY MR. LANGLEY:) Is that

13:37:21 10 accurate?

13:37:22 11 MR. LILIENTHAL: You can

13:37:22 12 answer it.

13:37:25 13 A. It came in the envelope.

13:37:27 14 Q. (BY MR. LANGLEY:) Do you know

13:37:27 15 if there was other stuff in the envelope?

13:37:29 16 A. That is the only thing that I

13:37:31 17 remember receiving from them.

13:37:34 18 Q. At what point did you actually

13:37:36 19 receive what is called the Evidence of

13:37:39 20 Coverage?

13:37:39 21 A. What is Evidence of Coverage?

13:37:41 22 Because there's two different ones and I

13:37:43 23 don't want to get messed up on a play of

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13:37:46 1 words.

13:37:46 2 Q. Do you have an understanding

13:37:48 3 what the title of Exhibit 5 is?

13:37:50 4 A. Confirmation of Coverage?

13:37:51 5 Q. Right.

13:37:52 6 A. Correct.

13:37:52 7 Q. And you knew that you were

13:37:54 8 going to be getting that because it says

13:37:56 9 it in Exhibit 1, correct?

13:37:57 10 A. Yeah, they were supposed to

13:37:58 11 send me documents confirming that I was --

13:38:01 12 my policy was covered and paid for.

13:38:03 13 Q. Specifically a document

13:38:04 14 entitled Confirmation of Coverage,

13:38:07 15 correct?

13:38:07 16 A. Specifically a document, yes,

13:38:11 17 that was telling me that my coverage was

13:38:13 18 confirmed and good.

13:38:23 19 Q. And did you understand -- have

13:38:25 20 an understanding as to whether that would

13:38:27 21 be one document, two documents, three

13:38:29 22 documents?

13:38:29 23 A. Based on the wording, I kind

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13:38:32 1 of just assumed that it was a document

13:38:33 2 because it says "Evidence of Coverage and

13:38:36 3 Confirmation of Coverage which will be

13:38:38 4 sent to you upon this" -- "sent to you

13:38:41 5 upon this coverage." There's to me

13:38:44 6 nothing indicated I was getting multiple

13:38:46 7 forms.

13:38:47 8 Q. So when you received a

13:38:49 9 Confirmation of Coverage which is marked

13:38:50 10 as Exhibit 5, did you think to yourself,

13:38:52 11 do I have everything or is there more to

13:38:55 12 this?

13:38:55 13 A. No, I figured this right here

13:38:57 14 was all that I was waiting on because of
13:38:58 15 what it said in there and because I got
13:39:01 16 it. And I never received anything else.

13:39:03 17 Q. Are there any limitations or
13:39:06 18 exclusions on Exhibit 5?

13:39:19 19 A. Just other than refer to your
13:39:20 20 Traveler brochure, which I looked through
13:39:22 21 to see, you know, if it had any exclusions
13:39:24 22 covering diving, which it didn't.

13:39:29 23 Q. So you did look back to the

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13:39:33 1 Traveler brochure when you received the
13:39:36 2 Confirmation of Coverage?

13:39:37 3 A. Yeah, I mean, I knew what the
13:39:38 4 brochure said.

13:39:39 5 Q. You had retained --

13:39:40 6 A. And this said the same thing.

13:39:42 7 Q. You had retained a copy of the
13:39:44 8 Traveler brochure?

13:39:45 9 A. I believe I had a copy of it.

13:39:47 10 Q. And I take it you read
13:39:48 11 everything in the Confirmation of Coverage
13:39:50 12 marked as Exhibit 5?

13:39:53 13 A. Yes.

13:39:53 14 Q. Including the part that says
13:39:55 15 "for a complete description of this plan,
13:39:57 16 please refer to your travel brochure or
13:40:00 17 visit website at [www.Traveler-](http://www.Traveler-insurance.com)
13:40:05 18 [insurance.com](http://www.Traveler-insurance.com)?

13:40:06 19 A. Yes, I read the part about
13:40:07 20 checking brochure, which I had already
13:40:09 21 done because it stated in there -- or

13:40:11 22 didn't state in there that diving was
13:40:13 23 excluded.

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13:40:14 1 Q. Did you also read the part
13:40:16 2 about website?

13:40:16 3 A. I saw the part about the
13:40:18 4 website.

13:40:18 5 Q. At that point, did you ever
13:40:22 6 make an effort to go to the website to see
13:40:25 7 what it said?

13:40:26 8 A. No, because I was in the
13:40:27 9 process of moving. And since I was told
13:40:29 10 that if this was not excluded, it was
13:40:32 11 included, that there was no reason for me
13:40:34 12 to think that I had been told otherwise.

13:40:37 13 Q. You are referring to a comment
13:40:40 14 that Mrs. Gamill made to you?

13:40:42 15 A. Correct.

13:40:42 16 Q. No one from Travel ex or Old
13:40:45 17 Republic told you that, though?

13:40:47 18 MR. LILIENTHAL: Object to the
13:40:47 19 form.

13:40:48 20 A. You are talking about before
13:40:49 21 or after?

13:40:50 22 Q. (BY MR. LANGLEY:) At any
13:40:51 23 time.

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13:40:51 1 A. I had not talked to anybody at
13:40:53 2 Travel ex before anything happened.

13:41:28 3 (Whereupon, Defendant's
4 Exhibit 9 was marked for
13:41:29 5 identification.)
13:41:29 6 Q. (BY MR. LANGLEY:) Let me show
13:41:30 7 you what I have marked as Exhibit 9. Have
13:41:51 8 you ever seen this document?
13:41:58 9 A. Can I have a little bit to
13:42:00 10 read over it?
13:42:02 11 Q. Sure.
13:43:17 12 (Pause.)
13:43:17 13 A. All right.
13:43:19 14 Q. (BY MR. LANGLEY:) Have you
13:43:20 15 ever seen Exhibit 9 before today?
13:43:22 16 A. No, I have not seen it.
13:43:23 17 Q. Have you ever seen anything
13:43:24 18 that looks like Exhibit 9 before today?
13:43:33 19 A. I believe I was mailed
13:43:34 20 something when they denied my claim that
13:43:36 21 had some exclusions on it. And I would
13:43:40 22 guess it came from here but I don't know
13:43:41 23 for a fact.

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13:43:42 1 Q. Do you know as you sit here
13:43:44 2 today whether you ever received document
13:43:45 3 entitled "Evidence of Coverage"?
13:43:51 4 A. I did not.
13:43:52 5 (Whereupon, Defendant's
6 Exhibit 10 was marked for
13:43:58 7 identification.)
13:43:58 8 Q. (BY MR. LANGLEY:) Let me show
13:44:00 9 you what I have marked as Exhibit 10.
13:44:08 10 Have you seen Exhibit 10 before?

13:44:16 11 A. It looks like the letter that
13:44:19 12 Old Republic sent when they denied the
13:44:21 13 claim.

13:44:35 14 Q. Was it after you received this
13:44:36 15 letter that you saw legal counsel?

13:44:40 16 A. Yeah, at some point after
13:44:41 17 this.

13:44:49 18 Q. Prior to February 10th, 2004,
13:44:52 19 do you know what the total amount you were
13:44:54 20 claiming against Travel ex was?

13:44:56 21 A. Roughly, and this is a guess,
13:44:59 22 was ten thousand dollars and change. But,
13:45:03 23 I mean, that is a guess.

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13:45:08 1 Q. Did you ever write them a
13:45:10 2 letter that itemized -- that set forth
13:45:13 3 that total amount and itemized all the
13:45:16 4 components of it?

13:45:17 5 A. Yes, I did.

13:45:17 6 Q. Is that something that you
13:45:21 7 turned over to your counsel for production
13:45:24 8 to us?

13:45:24 9 A. That is something that I sent
13:45:25 10 to Old Republic along with it it had
13:45:30 11 itemized phone bills, copies of receipts.

13:45:37 12 Q. I have seen in the file
13:45:39 13 somewhat I will call backup information
13:45:43 14 like receipts and phone bills. But what I
13:45:47 15 am asking you about specifically right now
13:45:49 16 is whether you actually penned a letter
13:45:52 17 that laid those itemized charges out.

13:45:54 18 A. I think I typed something up
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13:45:55 19 on EXCEL, I believe. But, I mean, you are
13:46:00 20 talking about -- you are talking about
13:46:02 21 over three years ago, so I don't remember
13:46:04 22 the exact process of how I did it. Or
13:46:11 23 over two years ago, whatever it is.

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13:46:13 1 Q. Do you know what you are
13:46:15 2 claiming from Traveler in this lawsuit
13:46:17 3 today?
13:46:18 4 A. What do you mean, what I am
13:46:20 5 claiming?
13:46:21 6 Q. Are you claiming money?
13:46:22 7 A. Yeah.
13:46:23 8 Q. How much?
13:46:25 9 MR. LILIENTHAL: Object to the
13:46:25 10 form. That is a jury question.
13:46:31 11 A. Do I answer?
13:46:32 12 MR. LILIENTHAL: You can
13:46:33 13 answer the best you know how. That is an
13:46:35 14 answer for the jury.
13:46:37 15 A. When I went to Kit, I told him
13:46:39 16 I submitted my claims for ten thousand
13:46:41 17 dollars --
13:46:42 18 MR. LILIENTHAL: You don't
13:46:43 19 have to tell him what you told me.
13:46:44 20 A. Oh. I don't know the best
13:46:46 21 way -- how to answer that. My claim was
13:46:49 22 for ten thousand dollars, roughly.
13:46:50 23 Q. (BY MR. LANGLEY:) Is that

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13:46:51 1 what you thought Travel ex owed you?
13:46:54 2 A. Yes, based on all the
13:46:56 3 information that I had received from them.
13:47:08 4 Q. Did you have any written
13:47:11 5 communication with Travel ex or Old
13:47:14 6 Republic after they sent you the letter
13:47:15 7 marked as Exhibit 10?
13:47:23 8 A. I'm not sure. I don't know --
13:47:26 9 I'm not sure. I don't know the time frame
13:47:27 10 of what happened after I received this.
13:47:29 11 Q. If you had, would you have
13:47:31 12 kept a copy of it at least?
13:47:33 13 A. Yeah.
13:47:33 14 Q. Did you keep a file relating
13:47:35 15 to this claim at your house?
13:47:37 16 A. Yes, I have a storage box.
13:47:40 17 Q. And there's a file in there
13:47:42 18 that says Travel ex or something like that
13:47:44 19 on it?
13:47:44 20 A. Well, I mean, it is a stack of
13:47:46 21 stuff. But, I mean, I have made copies of
13:47:50 22 stuff I sent and all that and put in
13:47:52 23 there.

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13:47:52 1 Q. And that is information that
13:47:54 2 has been turned over to your counsel?
13:47:55 3 A. I guess. I don't know. I
13:47:57 4 mean if there was something I didn't know
13:47:59 5 whether or not I should turn it over or
13:48:00 6 was supposed to or whatever --

13:48:04 7

13:48:06 8 quick break.

13:49:48 9 (Whereupon, a break was had

13:55:23 10 from 1:49 p.m. until 1:56 p.m.)

13:55:24 11 Q. (BY MR. LANGLEY:) Are you

13:56:38 12 ready to get going?

13:56:40 13 A. Yeah, I am.

13:56:40 14 Q. I understand from your

13:56:43 15 complaint in this lawsuit that you are

13:56:45 16 alleging something called mental anguish.

13:56:47 17 Are you aware of that?

13:56:49 18 A. Of what mental anguish is

13:56:52 19 or --

13:56:53 20 Q. That you are alleging mental

13:56:55 21 anguish in this lawsuit.

13:56:56 22 A. I have -- yeah, I have read

13:56:58 23 over some of the stuff in the lawsuit.

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13:56:59 1 Q. Are you claiming mental

13:57:01 2 anguish?

13:57:04 3 A. Well, I mean, I among other

13:57:06 4 things.

13:57:06 5 Q. Have you been mentally

13:57:08 6 anguished as a result of what Travel ex and

13:57:11 7 Old Republic have done?

13:57:12 8 A. Yeah, I mean, all of it

13:57:13 9 combined. I mean, you roll all of it into

13:57:17 10 one.

13:57:17 11 Q. Can you -- can you separate

13:57:20 12 out for me what part of that mental

13:57:22 13 anguish was the result of something

13:57:25 14 Travel ex or Old Republic has done?

13:57:28 15 A. Out of everything? Well, I
13:57:31 16 mean, obviously, the financial part. I
13:57:33 17 still don't have the money to put a
13:57:37 18 tombstone up yet.
13:57:43 19 Q. Did you think that was part of
13:57:44 20 the coverage?
13:57:47 21 A. What, a tombstone? No.
13:57:53 22 Q. Have you asked Traveler to pay
13:57:54 23 for a tombstone?

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13:57:56 1 A. No, they have denied the
13:57:58 2 claim.
13:57:58 3 Q. Was part of your claim for a
13:58:03 4 tombstone?
13:58:03 5 A. No. You just asked for an
13:58:06 6 example, so I am just giving you an
13:58:07 7 example.
13:58:08 8 Q. Have you seen any mental
13:58:12 9 health professionals in connection with
13:58:14 10 your mental anguish?
13:58:15 11 A. Yes.
13:58:15 12 Q. Are you seeing one right now?
13:58:17 13 A. No.
13:58:17 14 Q. Who have you seen?
13:58:21 15 A. Susie and Craig Greer, APS, as
13:58:29 16 well as -- Candi doesn't count, I guess.
13:58:32 17 Q. A what? What was the last
13:58:33 18 thing you said?
13:58:35 19 A. APS.
13:58:36 20 Q. APS, what is that?
13:58:38 21 A. Alabama Psychiatric or
13:58:40 22 Psychological Services.

13:58:42 23

Q. Susie and Craig Greer, are

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13:58:44 1 they counselors?

13:58:45 2 A. He is a grief counselor and

13:58:47 3 she is his wife, as well as grief

13:58:55 4 support's young widow group.

13:59:04 5 Q. Is that a group that meets

13:59:06 6 here in Birmingham?

13:59:06 7 A. Well, they meet all over.

13:59:08 8 Q. Have you attended meetings of

13:59:11 9 this group?

13:59:11 10 A. Yeah, it was an eleven or

13:59:13 11 twelve-week session, I think.

13:59:15 12 Q. When was that?

13:59:16 13 A. Eleven or twelve weeks after

13:59:18 14 all this happened.

13:59:19 15 Q. Did you start going

13:59:20 16 immediately after --

13:59:21 17 A. The next group started after

13:59:23 18 the first of the year.

13:59:28 19 Q. Is APS a psychiatry practice?

13:59:35 20 A. I mean, I guess. I mean, I --

13:59:37 21 I was referred to them, so I went.

13:59:39 22 Q. Were you referred to them by

13:59:40 23 Susie and Craig Greer?

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13:59:42 1 A. No.

13:59:42 2 Q. By whom?

13:59:47 3 A. By my brother.

13:59:48 4 Q. Who is your brother?
13:59:49 5 A. Daniel.
13:59:55 6 Q. Does he live in town?
13:59:56 7 A. Yeah.
13:59:56 8 Q. Did he say, "Man, you need to
13:59:59 9 get some psychiatric help"?
14:00:01 10 A. No.
14:00:01 11 Q. How did that come about?
14:00:06 12 A. He just suggested it. I mean,
14:00:12 13 again, we are talking about something two
14:00:14 14 and a half years ago. I don't remember
14:00:16 15 all the specifics on some of these things.
14:00:18 16 You are talking about after November, you,
14:00:20 17 you know --
14:00:22 18 Q. Did you see a medical doctor
14:00:23 19 at APS?
14:00:28 20 A. I don't know if they are
14:00:29 21 considered medical doctors or not. I
14:00:31 22 don't know.
14:00:31 23 Q. Is it somebody whose title

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14:00:33 1 ended with an MD or Ph.D.?
14:00:36 2 A. I have got his card at the
14:00:38 3 house. I can digit up if you want.
14:00:40 4 Q. Do you remember his name?
14:00:41 5 A. Ken.
14:00:41 6 Q. You don't remember his last
14:00:43 7 name?
14:00:43 8 A. No, I called him Ken.
14:00:44 9 Q. Did he prescribe any
14:00:45 10 medication for you?
14:00:46 11 A. Yes.

14:00:47 12 Q. What did he prescribe?
14:00:49 13 A. Ambien.
14:00:53 14 Q. That is a sleeplessness drug?
14:00:57 15 A. Correct.
14:00:57 16 Q. Was your main problem that you
14:00:59 17 were not able to sleep at that time?
14:01:01 18 A. No, that was the least of my
14:01:03 19 problems.
14:01:12 20 Q. I hate to pry but I have to
14:01:14 21 because I need to understand what exactly
14:01:16 22 your mental anguish was, because I am sure
14:01:18 23 the jury is going to hear about it so I

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14:01:21 1 need to hear about it first.
14:01:22 2 Tell me more about what your
14:01:24 3 problems were.
14:01:25 4 A. With regards to this or with
14:01:29 5 everything?
14:01:30 6 Q. With regards --
14:01:31 7 A. I mean this is all a
14:01:33 8 three-part thing, so I have got to know
14:01:36 9 what exactly you are wanting to know. To
14:01:39 10 me it seems too broad of a question.
14:01:41 11 Q. When you say a three-part
14:01:42 12 thing, what are the three parts?
14:01:44 13 A. Well, I am twenty-six, and I
14:01:46 14 am widowed; my insurance company just
14:01:48 15 denied my claim. And then trying to
14:01:51 16 figure out what do I do, so I mean --
14:01:54 17 there's not one answer to cover all that.
14:01:58 18 Q. Is there any way you can
14:02:04 19 quantify what portion of your mental

14:02:05 20 anguish you believe was the result of the
14:02:07 21 denial of the insurance claim?
14:02:09 22 A. I would probably say a third,
14:02:11 23 a third and a third, I mean --

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14:02:21 1 Q. Did Ken prescribe any
14:02:23 2 medication for you other than Ambien?
14:02:25 3 A. No.
14:02:26 4 Q. Were you ever on an
14:02:27 5 antidepressant?
14:02:29 6 A. I took Ambien. I mean, if
14:02:32 7 that is considered an antidepressant --
14:02:35 8 Q. Okay. So I will be more
14:02:37 9 specific. Did you ever take Zoloft?
14:02:39 10 A. No.
14:02:39 11 Q. Did you ever take Wellbutrin?
14:02:41 12 A. No.
14:02:42 13 Q. Did you ever take Paxil?
14:02:44 14 A. No.
14:02:44 15 Q. Did you ever consult with a
14:02:57 16 religious person in connection with your
14:03:05 17 grieving?
14:03:05 18 A. Craig Greer would count. I
14:03:07 19 mean, he is a former Catholic preacher.
14:03:17 20 Q. What about your preacher at
14:03:19 21 Shades Crest?
14:03:20 22 A. No, just --
14:03:31 23 Q. Do you think part of your

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14:03:33 1 mental anguish is as a result of the
14:03:35 2 friction between you and Tina's parents?

14:03:37 3 A. No, I haven't talked to them
14:03:39 4 in -- how long has it been, two years.

14:03:42 5 Q. You said they had done some
14:03:44 6 things which rubbed you the wrong way.

14:03:46 7 A. Well, they just did some
14:03:48 8 things that made me decide I am better off
14:03:50 9 not having contact with them.

14:03:52 10 Q. At what point did you decide
14:03:53 11 you were better off not having contact
14:03:55 12 with them?

14:03:56 13 A. A couple of months after all
14:03:57 14 this happened.

14:04:06 15 Q. Mentally, were you better off
14:04:09 16 once you made that decision?

14:04:10 17 A. I don't know. I guess we will
14:04:12 18 find out twenty years from now. I mean, I
14:04:19 19 don't know.

14:04:23 20 Q. Is a part of your mental
14:04:25 21 anguish the result from the ongoing
14:04:27 22 investigation by the Townsville Police?

14:04:31 23 A. You are talking about still

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14:04:32 1 today?

14:04:33 2 Q. Yeah.

14:04:33 3 A. No.

14:04:34 4 Q. That doesn't cause you any
14:04:35 5 problems?

14:04:36 6 A. I mean, no. I mean, there's
14:04:39 7 nothing I can do about it.

14:04:40 8 Q. And the three parts of your
14:04:46 9 mental anguish that you mentioned earlier,
14:04:48 10 the third one was trying to figure out
14:04:50 11 what do I do. Can you be a little more
14:04:53 12 specific about that?
14:04:54 13 A. Twenty-six, married eleven
14:04:55 14 days, my wife just Dade. Would you have
14:04:58 15 known what to do when you were twenty-six?
14:04:59 16 No. I didn't either. So just trying to
14:05:02 17 figure out what do I do. I mean --
14:05:09 18 Q. Do you feel like you are any
14:05:11 19 closer to figuring that out now than you
14:05:14 20 were as soon as you got back?
14:05:19 21 A. Probably not. I mean, it is
14:05:20 22 an ongoing thing.
14:05:28 23 Q. Have you had any relationships

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14:05:31 1 with women other than, you know,
14:05:33 2 friendships since you have returned to the
14:05:36 3 U.S.?
14:05:37 4 A. Nothing serious.
14:05:38 5 Q. But you have had a few dates?
14:05:40 6 A. Yeah.
14:05:40 7 Q. But nothing that you would
14:05:41 8 call a girlfriend?
14:05:42 9 A. Nothing that I would call meet
14:05:45 10 the family because, you know, there's
14:05:47 11 wedding bells down the road.
14:06:03 12 Q. Do you considered getting
14:06:05 13 remarried an option for you?
14:06:07 14 A. I mean, it is kind of hard to
14:06:11 15 say that. I mean, if I don't meet

14:06:13 16 somebody, then obviously it is not an
14:06:15 17 option.

14:06:15 18 Q. Some of these questions --

14:06:16 19 A. I mean, I can't really --
14:06:19 20 there's just no yes or no to that.

14:06:20 21 Q. Some of these questions seem
14:06:22 22 vague, and the reason for that is that
14:06:23 23 mental anguish is a difficult thing to

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14:06:26 1 quantify. And so if my questions reflect
14:06:29 2 that, then that is why. I am not trying
14:06:31 3 to harass you or belittle your legitimate
14:06:35 4 pain. I just want to understand it a
14:06:37 5 little bit better so I am not hearing
14:06:40 6 about it for the first time when he is
14:06:41 7 telling the jury about it.

14:06:46 8 A. (Nodding.)

14:06:47 9 Q. Is there anything else you can
14:06:49 10 tell me specifically about your mental
14:06:50 11 anguish?

14:06:54 12 A. No, I mean, not that I can
14:06:56 13 think of. I mean -- no, I don't guess so.

14:07:00 14 Q. Have you tried to put a dollar
14:07:03 15 figure on the value of your mental
14:07:05 16 anguish?

14:07:05 17 A. No.

14:07:06 18 Q. Now, do you understand that
14:07:11 19 you are seeking something called punitive
14:07:14 20 damages against Old Republic and Traveler?

14:07:19 21 A. Yes.

14:07:20 22 Q. Do you know what punitive
14:07:21 23 damages are?

14:07:22 1 A. For punishment.
14:07:23 2 Q. Do you believe Old Republic
14:07:25 3 and Traveler have done something that
14:07:27 4 warrants being punished?
14:07:29 5 A. I do.
14:07:29 6 Q. Is that denying the claim?
14:07:33 7 A. Yes.
14:07:33 8 Q. Have they done anything else?
14:07:39 9 A. That is the only contact I
14:07:41 10 have had with them.
14:07:41 11 Q. Were they at any point rude or
14:07:46 12 abrasive to you in your conversations with
14:07:49 13 them?
14:07:53 14 A. I don't think so.
14:07:54 15 Q. Were they disrespectful in any
14:07:56 16 of the correspondence?
14:08:00 17 A. I wouldn't say disrespectful.
14:08:04 18 Q. I mean, other than that they
14:08:06 19 denied the claim?
14:08:08 20 A. No. I mean just -- what is
14:08:10 21 the word manipulative. That is not
14:08:13 22 disrespectful, is it? I mean --
14:08:15 23 Q. How were they manipulative?

14:08:17 1 A. Well, they attached the
14:08:19 2 printout from the '04 brochure, a year
14:08:23 3 after it happened.
14:08:32 4 Q. Since you have never seen the
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14:08:34 5 Evidence of Coverage, do you know one way
14:08:36 6 or the other whether the scuba diving
14:08:39 7 exclusion was a part of that Evidence of
14:08:41 8 Coverage when you enrolled in the Travel
14:08:44 9 Plus Plan in 2003?

14:08:47 10 A. In 2003 did I know it was
14:08:49 11 covered or not covered?

14:08:50 12 Q. Do you know now?

14:08:51 13 A. Not based on what I have seen.
14:08:53 14 I know that if you buy it in '04, it is
14:08:55 15 not covered, but I haven't seen anything
14:08:58 16 that says it wasn't covered in '03.

14:09:00 17 Q. If Travel ex showed you
14:09:03 18 something in the Evidence of Coverage that
14:09:07 19 specifically stated scuba diving was
14:09:09 20 excluded, would that change your mind?

14:09:11 21 MR. LILIENTHAL: Object to the
14:09:12 22 form.

14:09:12 23 A. At this point in time?

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14:09:15 1 Q. (BY MR. LANGLEY:) Yeah.

14:09:16 2 A. No.

14:09:16 3 Q. Would it have changed your
14:09:17 4 mind back then?

14:09:18 5 A. No, not if it wasn't something
14:09:20 6 that I had received. I mean, if they
14:09:22 7 showed me something I had not received and
14:09:24 8 tried to pass it off --

14:10:20 9 Q. At any time when you were
14:10:23 10 talking to Freida Gammill about the
14:10:29 11 Travel ex policy, did she tell you that she
14:10:33 12 was a representative of Travel ex or Old

14:10:36 13 Republic?
14:10:40 14 A. I don't remember if she did or
14:10:42 15 not.
14:10:46 16 Q. What is the Tina Watson
14:10:49 17 Memorial Fund?
14:10:51 18 A. It is a memorial fund in her
14:10:53 19 name.
14:10:54 20 Q. Is it money contributed to a
14:10:58 21 charitable cause?
14:10:59 22 A. It is money that is just
14:11:01 23 sitting in an account right now.

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14:11:03 1 Q. Is it ultimately going to be
14:11:06 2 given to some charity in her name?
14:11:08 3 A. I haven't made any kind of
14:11:09 4 determination on it.
14:11:10 5 Q. Is there a board or some group
14:11:12 6 of people that make that decision?
14:11:13 7 A. No.
14:11:14 8 Q. Just you?
14:11:15 9 A. Yes.
14:11:16 10 Q. Going back for a minute to
14:11:32 11 Exhibit 4, which is the stack of emails,
14:11:37 12 this right here (indicating). Does this
14:11:46 13 appear to be a complete set of all the
14:11:49 14 emails that were sent between you and Mike
14:11:55 15 Ball Dive?
14:11:56 16 A. It appears to be.
14:11:57 17 Q. And, for example, looking on
14:11:59 18 the first page of Exhibit 4 --
14:12:02 19 A. Uh-huh.
14:12:03 20 Q. -- the top email is responding

14:12:08 21 to the email immediately below it; isn't
14:12:10 22 that right?

14:12:14 23 A. Let's see. I have no idea.

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14:12:24 1 Q. Take a look for a minute.

14:12:50 2 (Pause.)

14:12:51 3 A. It looks like it may be.

14:12:53 4 Q. (BY MR. LANGLEY:) It looks
14:12:56 5 like it may be or looks like it is?

14:12:58 6 A. Looks like it may be. Again,
14:13:00 7 this is May of '03. I mean --

14:13:05 8 Q. So sitting here today, you
14:13:07 9 can't tell me one way or another for sure
14:13:09 10 whether the email at the top of this page
14:13:13 11 is a response to the email at the bottom?

14:13:15 12 A. No. I mean, I don't know. I
14:13:18 13 mean, I can guess, but that is -- I mean,
14:13:21 14 that is the best I can do.

14:13:23 15 Q. You mentioned that you have
14:13:24 16 changed computers at some point in the
14:13:26 17 past couple of years.

14:13:27 18 A. Yes.

14:13:27 19 Q. What kind of computer was your
14:13:30 20 old one?

14:13:31 21 A. A Dell laptop.

14:13:34 22 Q. Where is that?

14:13:36 23 A. Sitting in a case in the

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14:13:37 1 closet.
14:13:38 2 MR. LANGLEY: Will you all
14:13:39 3 hang onto it?
14:13:40 4 MR. LILIENTHAL: Yeah.
14:13:41 5 Q. (BY MR. LANGLEY:) What is
14:13:42 6 your new computer?
14:13:44 7 A. Custom built.
14:13:45 8 Q. Laptop or desktop?
14:13:47 9 A. Desktop.
14:14:12 10 Q. Has there ever been a
14:14:15 11 headstone on Tina's gravesite?
14:14:17 12 A. No.
14:14:17 13 Q. I understand that at one point
14:14:24 14 the gravesite was moved.
14:14:27 15 A. Yes.
14:14:27 16 Q. Why was that?
14:14:29 17 A. We had picked out a spot on
14:14:31 18 the other side of the cemetery that we
14:14:33 19 liked better.
14:14:34 20 Q. You said "we," is that you and
14:14:36 21 Tina?
14:14:37 22 A. No, we got a family plot.
14:14:46 23 Q. Who made the decision to bury

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14:14:49 1 her where she was buried the first time?
14:14:52 2 A. The fact that it had been ten
14:14:54 3 days since she died and we needed to do
14:14:57 4 something fast. So we just said "find us
14:15:01 5 somewhere."
14:15:04 6 Q. This is the same cemetery,
14:15:06 7 though, isn't it?
14:15:08 8 A. Yes.

14:15:13 9 Q. Did you have to apply for any
14:15:15 10 kind of court order to get that done?
14:15:18 11 A. No, just filled out documents.
14:15:19 12 Q. What kind of documents did you
14:15:22 13 fill out?
14:15:23 14 A. The interment, something the
14:15:27 15 funeral home has.
14:15:28 16 Q. Did you get any push back from
14:15:31 17 Tina's family on that?
14:15:32 18 A. No, not from her family.
14:15:47 19 Q. Now, I understand there's been
14:15:49 20 some issue with flowers being removed from
14:15:51 21 her grave. Do you know anything about
14:15:53 22 that?
14:15:53 23 A. Flowers being removed from her

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14:15:56 1 grave?
14:15:57 2 Q. Yeah. I had heard
14:15:59 3 somewhere --
14:15:59 4 A. I have not had anything that
14:16:01 5 we put out there removed.
14:16:02 6 Q. That is someone, I don't know
14:16:04 7 if it was her parents or you, had filed
14:16:06 8 some sort of incident report. Do you know
14:16:08 9 anything about that?
14:16:09 10 A. No, I don't.
14:16:31 11 MR. LANGLEY: If you will give
14:16:32 12 me about five minutes to look at my notes,
14:16:35 13 I think we can wrap up in the next ten
14:16:37 14 minutes.
14:16:38 15 MR. LILIENTHAL: Okay. Go
14:16:39 16 ahead.

14:16:43 17
14:20:51 18 from 2:16 p.m. until 2:20 p.m.)
14:20:54 19 Q. (BY MR. LANGLEY:) Mr. Watson,
14:20:55 20 are you ready to go?
14:20:56 21 A. Yes.
14:20:57 22 Q. I think we can finish in about
14:20:58 23 ten minutes. How did you come in contact

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14:21:00 1 with Freida Gammi l l ?
14:21:06 2 A. Like how --
14:21:07 3 Q. Had you used her before? Was
14:21:09 4 she a family friend?
14:21:11 5 A. Oh, no. My mom had used her.
14:21:14 6 Q. To plan trips, I assume?
14:21:16 7 A. Yes.
14:21:16 8 Q. But this was the first time
14:21:17 9 that you had used Freida Gammi l l ?
14:21:20 10 A. Yes.
14:21:20 11 Q. When you sent in your
14:21:21 12 enrollment form, did you send it to Get
14:21:25 13 Away Travel or did you send it to
14:21:26 14 Travel ex?
14:21:26 15 A. The insurance form? Whatever
14:21:29 16 address was on it, which I believe was
14:21:32 17 Travel ex. I think it was just -- yeah, it
14:21:36 18 was just a fold and stick thing.
14:21:38 19 Q. Do you remember to whom you
14:21:42 20 made your premium check payable?
14:21:45 21 A. I paid credit card.
14:21:48 22 (Off-the-record discussion.)
14:21:49 23 A. I paid credit card.

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14: 21: 52 1 (Whereupon, Defendant's
2 Exhibit 11 was marked for
14: 21: 53 3 identification.)
14: 21: 53 4 Q. (BY MR. LANGLEY:) Let me show
14: 21: 54 5 you what I have marked as Exhibit 11.
14: 21: 57 6 MR. LILIENTHAL: Thanks.
14: 22: 01 7 Q. (BY MR. LANGLEY:) On the
14: 22: 02 8 upper right-hand corner, does that appear
14: 22: 04 9 to be your handwriting?
14: 22: 05 10 A. Upper right -- I think so.
14: 22: 12 11 Q. That was your address at the
14: 22: 14 12 time that you sent in the enrollment form,
14: 22: 17 13 correct?
14: 22: 17 14 A. Yeah, that is the condo
14: 22: 19 15 address.
14: 22: 19 16 Q. I notice there's a postmark
14: 22: 21 17 date of September 17th, 2003.
14: 22: 27 18 MR. LILIENTHAL: Let me see
14: 22: 28 19 what he is asking you.
14: 22: 29 20 A. Yeah, I guess it is a 7. The
14: 22: 32 21 top of it is off of mine.
14: 22: 34 22 Q. You filled out the enrollment
14: 22: 35 23 form on the 15th, correct?

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14: 22: 37 1 A. Right.
14: 22: 37 2 Q. Does it sound right that you
14: 22: 38 3 mailed it within the next couple of days?
14: 22: 41 4 A. Probably so.
14: 22: 57 5 (Whereupon, Defendant's
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6 Exhibit 12 was marked for
14:23:04 7 identification.)
14:23:04 8 Q. (BY MR. LANGLEY:) Let me show
14:23:05 9 you what I have marked as Exhibit 12.
14:23:13 10 What is this?
14:23:13 11 A. It is the queens Queensland
14:23:19 12 Police Statement of Witness.
14:23:21 13 Q. Is this a statement that you
14:23:23 14 gave to the police in Townsville?
14:23:45 15 A. Yeah, it appears to be.
14:23:46 16 Q. Is that your signature at the
14:23:48 17 bottom of each page?
14:23:49 18 A. Yes.
14:23:49 19 Q. Did you give statements -- did
14:23:51 20 you give any other statements to any
14:23:53 21 authorities other than the one marked as
14:23:55 22 Exhibit 12?
14:24:01 23 A. You mean other than Townsville

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14:24:03 1 Police or other than this one time.
14:24:05 2 Q. Other than this one time?
14:24:06 3 A. Yes.
14:24:07 4 Q. How many times have you given
14:24:09 5 a statement to authorities?
14:24:10 6 A. Twice.
14:24:10 7 MR. LILIENTHAL: Are we
14:24:11 8 talking oral or written here? Let's be
14:24:14 9 specific about that.
14:24:15 10 Q. (BY MR. LANGLEY:) Either.
14:24:16 11 A. Just twice.
14:24:17 12 Q. Were both written?
14:24:18 13 A. No, the second one, they

14:24:20 14 basically just went over this, the
14:24:22 15 original one, to ask, I guess, more
14:24:24 16 questions.
14:24:27 17 Q. Do you know if that was
14:24:29 18 recorded?
14:24:29 19 A. It was.
14:24:29 20 Q. Do you have a copy of that?
14:24:31 21 A. No, they wouldn't give me one.
14:24:36 22 Q. Who prepared the actual text
14:24:38 23 in Exhibit 12?

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14:24:39 1 A. Who prepared it, like who
14:24:41 2 typed the --
14:24:42 3 Q. Uh-huh.
14:24:42 4 A. The police officer that was
14:24:45 5 sitting there, I guess it was this K. J.
14:24:48 6 Gehringer.
14:24:50 7 Q. So you were talking and they
14:24:51 8 were typing?
14:24:52 9 A. Correct.
14:24:52 10 Q. It wasn't a Q and A situation?
14:24:54 11 A. No, the first time, the
14:24:55 12 majority of it was just -- he would say,
14:25:00 13 "What happened here?" And I would tell
14:25:03 14 him. And --
14:25:04 15 Q. And then you had an
14:25:05 16 opportunity to read this statement to make
14:25:07 17 sure it was accurate?
14:25:08 18 A. Correct.
14:25:08 19 Q. As best as you know, is
14:25:13 20 everything in here true and accurate?
14:25:14 21 A. To the best of my knowledge.

14:25:36 22 Q. Have you ever been convicted
14:25:38 23 of a crime more serious than a traffic

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14:25:40 1 offense?

14:25:41 2 A. No.

14:25:46 3 MR. LANGLEY: I am going to
14:25:47 4 turn it over to her and let her ask you
14:25:49 5 some questions. Thank you for your
14:25:50 6 patience.

14:25:51 7 A. Okay.

14:25:52 8

14:25:52 9 EXAMINATION BY MS. PEARCE:

14:25:52 10 Q. Mr. Watson, I am Julie Pearce.
14:25:54 11 We met earlier this morning. I represent
14:25:56 12 Freida Gamill and her company, Get Away
14:26:00 13 Travel.

14:26:00 14 First of all, we are all very
14:26:02 15 sorry for your loss and we hate we have to
14:26:05 16 be here today. But none of us can presume
14:26:08 17 to know what you are going through, so we
14:26:10 18 certainly appreciate that and extend our
14:26:11 19 sympathies.

14:26:12 20 Most of what I need to cover
14:26:14 21 has already been covered so I will try to,
14:26:18 22 to use one of my grandfather's
14:26:21 23 expressions, not to replot ground that has

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14:26:23 1 already been plowed.

14:26:24 2
14:26:26 3 Freida, as I understand it, she was
14:26:28 4 recommended to you by your mother?
14:26:30 5 A. Correct.
14:26:30 6 Q. What is her name?
14:26:31 7 A. Glenda Watson.
14:26:32 8 Q. Glenda?
14:26:33 9 A. Glenda.
14:26:34 10 Q. Okay. And is it your
14:26:34 11 understanding that your mom had gone
14:26:36 12 through Freida on previous occasions to
14:26:38 13 arrange trips?
14:26:39 14 A. Yes.
14:26:39 15 Q. Okay. This is the first trip
14:26:41 16 you had arranged through Freida's company,
14:26:43 17 right?
14:26:44 18 A. Correct.
14:26:44 19 Q. Do you know if Freida is still
14:26:46 20 handling travel agency work for your mom?
14:26:48 21 A. I know they did one trip I
14:26:52 22 think that was already in the process.
14:26:57 23 Q. Where was that trip to go to?

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14:26:59 1 A. Italy.
14:26:59 2 Q. And was that trip taken?
14:27:01 3 A. When or what?
14:27:04 4 Q. Well, did they go on that
14:27:06 5 trip?
14:27:06 6 A. Yeah, my mom has gone on it.
14:27:09 7 Q. When was it, do you remember?
14:27:11 8 A. I think it was during the
14:27:12 9 Olympics. So whenever that was.

14:27:18 10 Q. The recent Olympics?
14:27:20 11 A. Yes, the Torino or wherever
14:27:25 12 they were.
14:27:25 13 Q. That would have been fun. So
14:27:27 14 you think that trip was in the process
14:27:28 15 when all this transpired, is that what you
14:27:30 16 are saying?
14:27:31 17 A. I think. I don't know.
14:27:32 18 Q. Do you know if Freida has
14:27:34 19 planned any other trips for your mom or
14:27:36 20 anyone else in your family since is all
14:27:38 21 this transpired back in '03?
14:27:40 22 A. I don't know.
14:27:40 23 Q. You consider asked some

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14:27:51 1 questions earlier about dives that you and
14:27:53 2 Tina had taken prior to this trip. I'm
14:27:56 3 not a diver either, so if I don't have my
14:27:59 4 terminology correct or don't ask something
14:28:01 5 in a way that makes sense to a diver,
14:28:03 6 please correct me on that.
14:28:04 7 You mentioned logbooks that
14:28:06 8 divers are, I guess, required to keep; is
14:28:08 9 that accurate?
14:28:09 10 A. Correct.
14:28:09 11 Q. Okay. Had you ever seen
14:28:12 12 Tina's logbook?
14:28:13 13 A. Yes.
14:28:13 14 Q. Did you review it after this
14:28:19 15 accident happened or was this just a
14:28:20 16 review prior to you all going to Australia
14:28:22 17 or how was it?

14:28:23 18 A. I saw it the night before when
14:28:25 19 we were, I guess, signing in and all that.
14:28:27 20 I have not seen it since.
14:28:30 21 Q. Would that also be in the
14:28:31 22 possession of the Townsville Police, if
14:28:34 23 you know?

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14:28:34 1 A. I would guess so.
14:28:37 2 Q. When you saw it prior to your
14:28:42 3 dive in Australia, did you have a chance
14:28:44 4 to read through it or did you just glance
14:28:46 5 through it to see what was in there or how
14:28:48 6 was that?
14:28:49 7 A. Oh, I just kind of glanced at
14:28:51 8 it. I didn't look at it or anything.
14:28:57 9 Q. You were testifying earlier
14:28:59 10 about the brochures that you all filled
14:29:00 11 out on the boat, on The Spoil Sport, once
14:29:02 12 you all got on there. And I think you
14:29:04 13 said it was real similar to or identical
14:29:06 14 to what you filled out previously that I
14:29:08 15 believe her name was Shelly with Mike Ball
14:29:10 16 had sent to you. Was that accurate?
14:29:12 17 A. Correct.
14:29:12 18 Q. And you said there was a
14:29:14 19 little check box where you could check
14:29:16 20 whether you wanted a thirty-day DAN
14:29:19 21 policy. Is that right?
14:29:20 22 A. Correct.
14:29:20 23 Q. Do you know what Tina checked

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14:29:22 1 on her form?
14:29:22 2 A. We both checked "yes."
14:29:29 3 Q. Do you know if Tina had had
14:29:30 4 any sort of coverage or membership through
14:29:33 5 DAN prior to this trip?
14:29:36 6 A. I don't think so.
14:29:37 7 Q. I am reading through the lines
14:29:42 8 here, so correct me if I am wrong, but did
14:29:44 9 your membership in DAN or through DAN
14:29:46 10 lapse at some appointment and then you got
14:29:48 11 the thirty-day policy?
14:29:50 12 A. Correct.
14:29:50 13 Q. Why is it that it lapsed, did
14:29:52 14 you elect not to continue it?
14:29:54 15 A. Correct.
14:29:54 16 Q. Any particular reason?
14:30:00 17 A. No, not really.
14:30:01 18 Q. Do you recall when your DAN
14:30:09 19 membership would have lapsed?
14:30:10 20 A. Oh, wow. No. I got it before
14:30:13 21 the Cozumel trip, and then I think I had
14:30:19 22 it for a couple of years after that. But
14:30:21 23 since I have not gone anywhere else, I

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14:30:23 1 just let it lapse.
14:30:25 2 Q. When you obtained the DAN
14:30:27 3 membership prior to your Cozumel trip, I'm
14:30:30 4 assuming you didn't purchase a separate
14:30:33 5 DAN policy at that time. Was that through
14:30:35 6 your membership?

14:30:35 7 A. Yeah, you buy a twelve-month
14:30:37 8 membership. And at the time of the
14:30:40 9 Cozumel trip, I had just an active,
14:30:43 10 ongoing membership.

14:30:45 11 Q. And remind me when you went to
14:30:49 12 Cozumel, the approximate dates are fine.

14:30:53 13 A. It was within a year or so
14:30:55 14 after I got certified so late '90s.

14:30:57 15 Q. And it is your understanding
14:30:59 16 that DAN has paid some benefits on the
14:31:01 17 claim made subsequent to this accident?

14:31:03 18 A. That is my understanding.

14:31:04 19 Q. And you think they paid for
14:31:07 20 the repatriation of Tina's remains here;
14:31:10 21 is that right?

14:31:10 22 A. Yeah, from what I was told, it
14:31:12 23 was from the funeral home to airport or

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14:31:14 1 funeral home to funeral home, something
14:31:16 2 like that.

14:31:17 3 Q. Was the Traveler policy
14:31:24 4 something recommended to you by anyone at
14:31:26 5 DAN -- I mean by anyone at Mike Ball die
14:31:30 6 expeditions?

14:31:32 7 A. I don't think so, but I don't
14:31:32 8 know.

14:31:37 9 MR. LANGLEY: For 4?

14:31:44 10 MS. PEARCE: The emails, yeah.

14:31:46 11 MR. LANGLEY: It is Exhibit 4.

14:31:51 12 Q. (BY MS. PEARCE:) Mr. Watson,
14:31:52 13 I'm looking through the emails that are
14:31:53 14 attached as Defendant's Exhibit 4. I am

14:31:55 15 going to point you to an email that begins
14:31:58 16 on the bottom of the first page from
14:32:00 17 Shelly McLaughlin to you and ask you to
14:32:03 18 take a look at that, if you will.

14:32:05 19 A. Now, which one --

14:32:07 20 Q. The email that begins on the
14:32:09 21 bottom of that first page, continues on
14:32:11 22 the second page.

14:32:30 23 (Pause.)

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14:32:31 1 A. All right.

14:32:32 2 Q. (BY MS. PEARCE:) Does that
14:32:33 3 refresh your recollection as to whether
14:32:35 4 Traveler or any other company may have
14:32:37 5 been recommended to you by Mike Ball dive
14:32:41 6 expeditions?

14:32:41 7 A. It appears that on May 19th,
14:32:44 8 that was when Shelly recommended trip
14:32:46 9 insurance.

14:32:50 10 Q. After Shelly recommended that
14:32:52 11 to you, did you check out any of the web
14:32:54 12 sites she gave you or the phone number she
14:32:57 13 gave you for Traveler to pursue that any
14:32:58 14 further?

14:32:59 15 A. No. Like you see the next
14:33:01 16 one, I had never dealt with it so I didn't
14:33:04 17 know if it was done through her or
14:33:08 18 somebody else. And there was never any
14:33:09 19 mention of it again by her, so it was just
14:33:12 20 kind of dropped at that point.

14:33:13 21 Q. It mentions in the email to
14:33:17 22 Shelly that we were referring to initially

14:33:20 23 that Mike Ball does adhere to their

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14:33:22 1 cancellation policy. Do you know what

14:33:24 2 that means?

14:33:25 3 A. Do I know what their

14:33:25 4 cancellation policy is.

14:33:27 5 Q. Yes.

14:33:28 6 A. I probably did at the time,

14:33:29 7 but I don't -- I mean, I have no idea now.

14:33:33 8 Q. You were asked some questions

14:33:34 9 earlier about the website that was

14:33:36 10 provided on the Travel ex brochure.

14:33:38 11 A. Correct.

14:33:39 12 Q. There was also, I believe, a

14:33:40 13 toll-free number listed there as well.

14:33:43 14 Did you ever call that toll-free number

14:33:45 15 for more information?

14:33:48 16 A. No, I did not.

14:34:06 17 Q. And as I understand it, you

14:34:08 18 paid for your Travel ex coverage through a

14:34:11 19 credit card?

14:34:12 20 A. Correct.

14:34:12 21 Q. Is that accurate? Did you and

14:34:15 22 Tina have two separate policies at that

14:34:17 23 point when you purchased your Travel ex

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14:34:19 1 policies?

14:34:20 2 A. No. I believe I filled out

14:34:22 3 both of our names and just sent it all in
14:34:26 4 as one thing.

14:34:35 5 Q. And you completed that
14:34:36 6 information prior to the time you all got
14:34:38 7 married; is that right?

14:34:40 8 A. Correct.

14:34:40 9 Q. I remember that being kind of
14:34:43 10 confusing with regards to what you are
14:34:45 11 trying to do when you are married or not.
14:34:48 12 My husband and I had a hard time with
14:34:50 13 that.

14:34:50 14 The completed policy that you
14:34:52 15 fill -- or the completed application,
14:34:55 16 rather, that you filled out which was part
14:34:57 17 of that Travel ex brochure, did you ever
14:34:59 18 give a copy of that to Freida or anyone at
14:35:03 19 Get Away Travel or did you just mail it
14:35:04 20 in?

14:35:04 21 A. I think I just mailed it
14:35:05 22 straight in.

14:35:07 23 Q. Did you ever notify Freida or

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14:35:09 1 anybody at Travel ex that you had purchased
14:35:12 2 that policy?

14:35:13 3 A. That I did purchase?

14:35:13 4 Q. (BY MS. PEARCE:) That you did
14:35:15 5 purchase that policy.

14:35:16 6 A. That I don't know.

14:35:21 7 (Off-the-record discussion.)

14:35:21 8 MR. LILIENTHAL: I was asking
14:35:25 9 if you said Travel ex in that question,
14:35:26 10 because if you sent it in to Travel ex,

14:35:28 11 obviously, they would know.
14:35:32 12 Q. (BY MS. PEARCE:) What I asked
14:35:33 13 was, if I remember correctly, was if you
14:35:34 14 had notified Freida or anyone at Get Away
14:35:40 15 Travel if you had sent in that policy to
14:35:43 16 Travel ex.
14:35:43 17 MR. LILIENTHAL: Okay.
14:35:44 18 A. That I don't know.
14:35:45 19 Q. (BY MS. PEARCE:) I think I
14:35:54 20 understand this, but I just want to get a
14:35:56 21 better idea of your understanding since I
14:35:59 22 am, of course, not a diver. The
14:36:00 23 barotrauma that you mentioned, can you

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14:36:02 1 describe that in layman's terms, exactly
14:36:04 2 what that is?
14:36:05 3 A. The best I can. My
14:36:08 4 understanding is it is when your eardrum
14:36:09 5 stretches but doesn't break or bust or
14:36:12 6 tear or whatever, it stretches it, is the
14:36:15 7 way I understood it.
14:36:16 8 Q. Do you have an understanding
14:36:17 9 of what causes barotrauma? And I
14:36:20 10 understand you are not a doctor and may
14:36:22 11 not. I'm just trying to get an idea of
14:36:24 12 someone who has had it, if you understand
14:36:26 13 what could cause it?
14:36:27 14 A. I mean rapid changes in
14:36:29 15 pressure can do it.
14:36:30 16 Q. And you were treated for that
14:36:37 17 in Australia, then you went to an ENT here
14:36:41 18 in Birmingham; is that right?

14:36:42 19 A. Correct.
14:36:42 20 Q. Did you have any other
14:36:43 21 treatment other than what you had in
14:36:45 22 Australia and your visit to an ENT here?
14:36:49 23 A. For my ear.

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14:36:50 1 Q. Uh-huh.
14:36:51 2 A. I believe that was it.
14:36:52 3 Q. Did you just have one visit to
14:36:54 4 the ENT here in Birmingham?
14:36:56 5 A. I think so.
14:36:56 6 Q. What did he or she do for you,
14:36:58 7 if anything?
14:36:59 8 A. Wow, I don't know. About all
14:37:00 9 I remember from that is they did hearing
14:37:02 10 tests just to make sure that the hearing
14:37:04 11 wasn't damaged. Just to make sure that it
14:37:08 12 was healing.
14:37:12 13 Q. Any problems from that now?
14:37:15 14 A. I don't know. I haven't been
14:37:17 15 diving since.
14:37:17 16 Q. Any problems in day-to-day
14:37:20 17 life with hearing, anything like that?
14:37:22 18 A. No, every once in a while it
14:37:24 19 will ring.
14:37:24 20 Q. What is your Social Security
14:37:26 21 number?
14:37:26 22 A. 423-27-8501.
14:37:30 23 Q. Do you know Tina's Social

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14:37:33 1 Security number?
14:37:33 2 A. No, I don't.
14:37:34 3 Q. What about your driver's
14:37:35 4 license number?
14:37:36 5 A. 6151080.
14:37:39 6 Q. And is that an Alabama
14:37:40 7 license?
14:37:41 8 A. Yes.
14:37:41 9 Q. Do you have a lot of relatives
14:37:51 10 here in Jefferson County?
14:37:51 11 A. No.
14:37:51 12 Q. Can you give me just a quick
14:37:54 13 list of relatives over the age of
14:37:55 14 eighteen?
14:37:56 15 A. My mom, dad, my two brothers.
14:37:58 16 Q. Okay. Your mom is Glenda?
14:38:00 17 A. Yes.
14:38:00 18 Q. And your dad is David?
14:38:02 19 A. Correct.
14:38:02 20 Q. Same last name?
14:38:03 21 A. Correct.
14:38:04 22 Q. Okay. You mentioned your
14:38:08 23 brother Daniel?

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14:38:09 1 A. And Michael.
14:38:10 2 Q. Is Daniel younger or older
14:38:13 3 than you?
14:38:14 4 A. They are both younger.
14:38:15 5 Q. Also last name of Watson?
14:38:17 6 A. Correct.
14:38:18 7 Q. Any other relatives here by

14:38:19 8 blood or marriage?
14:38:20 9 A. Both grandmother's and my
14:38:22 10 aunt.
14:38:26 11 Q. What are your grandmother's
14:38:27 12 names?
14:38:28 13 A. Geneva Watson and Sarah King
14:38:36 14 and Pam Brown, my aunt.
14:38:38 15 Q. And Ms. Brown is the one who
14:38:40 16 works with you now?
14:38:41 17 A. Correct.
14:38:41 18 Q. What about you are in laws,
14:38:48 19 what are their names?
14:38:48 20 A. Tommy and Cindy Thomas.
14:38:50 21 Q. Did Tommy and Cindy Thomas
14:38:52 22 have any other children over the age of
14:38:57 23 eighteen living in Birmingham?

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14:39:01 1 A. Alanda Thomas. I think she is
14:39:04 2 remarried so I don't know.
14:39:05 3 Q. Her name is what now?
14:39:06 4 A. Alanda, A --
14:39:08 5 Q. Alanda?
6 A. Yeah, Alanda.
14:39:09 7 Q. Tina's sister?
14:39:11 8 A. Yes.
14:39:13 9 Q. Younger or older than Tina?
14:39:14 10 A. Younger.
14:39:15 11 Q. Any other relatives by blood
14:39:17 12 or marriage in the Birmingham area, and by
14:39:18 13 that I mean in Jefferson County?
14:39:20 14 A. I don't think so.
14:39:20 15 Q. The reason I ask all that is

14:39:22 16 just for jury selection purposes. You
14:39:33 17 have talked some about a lady, I assume
14:39:35 18 she is a lady, Candi Bruce.
14:39:38 19 A. Correct.
14:39:38 20 Q. You mentioned or you described
14:39:40 21 her as a counselor?
14:39:41 22 A. Correct.
14:39:41 23 Q. Is she someone in Australia?

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14:39:43 1 A. Yes.
14:39:43 2 Q. How did it come to be that you
14:39:45 3 met Ms. Bruce?
14:39:46 4 A. She is not on retainer but
14:39:51 5 kind of sort of on retainer for Mike Ball.
14:39:54 6 She has dealt, because their boats go out
14:39:57 7 a week at a time. She has dealt with
14:39:59 8 them. She has also dealt with their crew
14:40:02 9 when other people have died on their
14:40:04 10 boats. They retained her for an hour the
14:40:05 11 following morning to meet with me.
14:40:08 12 Q. Have you kept in contact with
14:40:10 13 Ms. Bruce since you left to come back
14:40:12 14 here?
14:40:13 15 A. The last time I talked -- we
14:40:14 16 kept -- we kept up for a while.
14:40:22 17 Q. Did Ms. Bruce help you with
14:40:26 18 any arrangements that you were making
14:40:27 19 while you were in Australia?
14:40:29 20 A. Yeah. She was pretty much our
14:40:32 21 chauffeur.
14:40:33 22 Q. Did she just meet with you for
14:40:35 23 that one-hour session or did she meet with

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14:40:37 1 you subsequent times?

14:40:38 2 A. As far as counseling, just

14:40:41 3 that one time. Mike Ball paid for one

14:40:44 4 hour.

14:40:44 5 Q. Subsequent to that, she owe

14:40:47 6 oh?

14:40:47 7 A. Well, then, the next day, her

14:40:49 8 husband took off work and stayed with me

14:40:51 9 and then she took off the rest of the week

14:40:54 10 and stayed with us.

14:40:55 11 Q. What is her husband's name?

14:40:57 12 A. Either Greg or Craig. I'm not

14:41:04 13 sure which.

14:41:05 14 Q. Do you know if she is actually

14:41:06 15 an employee of Mike Ball or is she an

14:41:08 16 employee of someone else, if you know?

14:41:10 17 A. I think the company name was

14:41:11 18 Relationships-Australia.

14:41:20 19 Q. Do you know where Ms. Bruce's

14:41:23 20 office is located?

14:41:25 21 A. Townsville. I mean that is

14:41:26 22 all I know.

14:41:27 23 Q. It is hard for those of us who

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14:41:32 1 haven't been there to get an understanding

14:41:34 2 of a place when of course we haven't seen

14:41:36 3 it. How large is Townsville, maybe in

14:41:38 4 relation to an Alabama town, if you can

14:41:40 5 describe it that way?

14:41:41 6 A. The downtown part is probably

14:41:42 7 the size of south side. But the land

14:41:47 8 area, I think I heard Craig say it is like

14:41:49 9 forty miles each way.

14:41:52 10 Q. Forty square miles, is that --

14:41:55 11 accurate?

14:41:55 12 A. Roughly, you know. I'm not --

14:41:57 13 Q. You are getting into math

14:41:59 14 there so math is a little over my head

14:42:01 15 so -- as I understand it, you have this

14:42:19 16 lawsuit pending which of course names Old

14:42:22 17 Republic, Travel ex and also Get Away

14:42:24 18 Travel, Freida's company. As I understand

14:42:26 19 it, you don't have any other lawsuits

14:42:28 20 pending at this time.

14:42:29 21 A. Correct.

14:42:29 22 Q. Is that correct? As far as

14:42:31 23 claims that you have pending, do you have

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14:42:32 1 any outstanding claims, that can do with

14:42:35 2 an insurance company or maybe an

14:42:37 3 individual that you were negotiating,

14:42:39 4 anything like that?

14:42:39 5 A. No, I don't think so, just Old

14:42:42 6 Republic and Travel ex.

14:42:43 7 Q. And you think, but you aren't

14:42:45 8 sure, that Tina may have had a burial

14:42:47 9 policy through Parisian or Saks,

14:42:51 10 incorporated?

14:42:52 11 A. Yeah, I think but I don't

14:42:53 12 know.

14:42:53 13 Q. And I apologize if you have
14:42:55 14 already been asked this, but do you know
14:42:56 15 if she had any life insurance through
14:42:58 16 Parisian or Saks, incorporated?

14:43:00 17 A. The only thing I ever heard,
14:43:02 18 somebody said they thought that Parisian
14:43:05 19 carried a burial policy on their employees
14:43:08 20 but --

14:43:08 21 Q. But you never saw any?

14:43:10 22 A. I don't think so she had life
14:43:11 23 insurance but I don't know.

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14:43:11 1 Q. Did you ever see any
14:43:13 2 documentation on that burial policy?

14:43:15 3 A. No.

14:43:15 4 Q. Who paid for the burial for
14:43:18 5 Tina?

14:43:19 6 A. Our family did.

14:43:25 7 Q. Did anyone in your family
14:43:26 8 receive a check or any other benefits from
14:43:30 9 any company to pay for that?

14:43:32 10 A. I don't think so.

14:43:32 11 Q. So is it fair to say that if
14:43:34 12 there was a burial policy, there were no
14:43:36 13 payments made through that policy that you
14:43:38 14 know of? Is that accurate or not?

14:43:40 15 A. There were no payments made to
14:43:46 16 anyone with the last name Watson that I am
14:43:48 17 aware of.

14:43:49 18 Q. Do you know if payments were
14:43:50 19 made to anyone else?

14:43:51 20 A. I mean, somebody said that her
14:43:52 21 dad's name was on the policy but on: I
14:43:59 22 never heard one way or the other after
14:44:01 23 that.

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14:44:01 1 Q. You told us shortly after your
14:44:04 2 wife's death and after your return to the
14:44:05 3 U.S., you decided it would be best not to
14:44:08 4 communicate with your in laws any more.
14:44:10 5 Can you explain why?

14:44:11 6 A. How long have I got.

14:44:12 7 Q. As long as you need.

14:44:14 8 A. Well, first one, was just
14:44:16 9 because her mom and her dad and her sister
14:44:19 10 and her aunt and her -- whoever else tried
14:44:22 11 to take over the funeral, had hissy fits
14:44:26 12 with every decision we did. Later found
14:44:28 13 out, and I'm just going to give you the
14:44:31 14 abbreviated version, later found out that
14:44:33 15 her mom had returned all the McRae's
14:44:36 16 wedding gifts to McRae's, you know, that
14:44:38 17 they -- she actually cancelled one wedding
14:44:41 18 registry, created another, returned the
14:44:43 19 gifts so that it would match what we had.

14:44:47 20 I mean, her mom went around
14:44:49 21 telling people that, you know, I had a
14:44:51 22 million dollar life insurance policy and,
14:44:54 23 you know, several months back, she was

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14:44:56 1 starting a new rumor that I was now in
14:44:59 2 jail for murder, this, that and the other.
14:45:01 3 So with all that going on, I just decided
14:45:03 4 it is not worth it. So I maintained a
14:45:06 5 relationship with her grandmother and I am
14:45:08 6 satisfied with that.
14:45:15 7 Q. Do you have any idea why they
14:45:16 8 would make accusations like that?
14:45:19 9 A. No, I don't. I mean, her mom
14:45:20 10 is supposed to be on medication, from what
14:45:22 11 Tina told me so --
14:45:23 12 Q. Did you all have a good
14:45:24 13 relationship prior to Tina's death?
14:45:26 14 A. We did until her mom
14:45:29 15 threatened her and --
14:45:30 16 Q. Her mom threatened Tina?
14:45:33 17 A. Yeah.
14:45:33 18 Q. Why was it because her mom
14:45:35 19 threatened her?
14:45:37 20 A. Because we were engaged, were
14:45:38 21 buying a house and she moved into an
14:45:40 22 apartment that her mom didn't get to sign,
14:45:42 23 wasn't the tenant or whatever on it.

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14:45:44 1 Q. That her mom --
14:45:45 2 A. Her mom's name wasn't on it.
14:45:47 3 They said that she should have bought a
14:45:49 4 house and then rented it back to her.
14:45:52 5 And then after that point, she started
14:45:55 6 filling me in on past stuff. So --
14:46:01 7 Q. So -- go ahead.
14:46:02 8 A. Oh, no, I was --

14:46:03 9 Q. I don't want to interrupt you
14:46:05 10 if you were in the middle of saying
14:46:07 11 something.
14:46:07 12 A. Oh, no.
14:46:07 13 Q. So is it your understanding
14:46:09 14 that Tina and her mother may not have had
14:46:12 15 a good relationship prior to her death?
14:46:14 16 A. No, they didn't.
14:46:16 17 Q. I don't want to put words in
14:46:18 18 your mouth. The house that you all
14:46:27 19 bought, did you and Tina buy that
14:46:29 20 together?
14:46:29 21 A. Yes.
14:46:29 22 Q. Was it titled in both of your
14:46:31 23 names?

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14:46:34 1 A. It had a right of survivorship
14:46:36 2 if that is -- I mean, both our names are
14:46:39 3 on the paper. Is that what you are
14:46:40 4 talking about?
14:46:41 5 Q. Yeah.
14:46:41 6 A. Yes.
14:46:42 7 Q. I know you can buy a house,
14:46:44 8 sometimes people put it in one name or the
14:46:45 9 other. Sometimes you put it together with
14:46:47 10 right of survivorship. There's just
14:46:49 11 different ways to structure it. I am just
14:46:51 12 wondering how that was done?
14:46:53 13 A. Yeah, we are both on it.
14:46:55 14 Q. Are you both still on that?
14:46:57 15 A. Yes.
14:46:57 16 Q. You have been asked some

14:47:10 17 questions already about your dealings with
14:47:12 18 Freida when you were arranging your trip
14:47:14 19 over to Australia. As far as the dive
14:47:18 20 portion of the trip, did you make all the
14:47:20 21 arrangements for that dive trip yourself?
14:47:22 22 A. Yes.
14:47:23 23 Q. Did Tina have any part in

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14:47:34 1 making those arrangements or was that all
14:47:36 2 you?
14:47:36 3 A. The dive trip?
14:47:37 4 Q. Yes.
14:47:38 5 A. That was me.
14:47:42 6 Q. So the services that Freida
14:47:44 7 provided for you are basically your travel
14:47:47 8 over to Australia, your hotel
14:47:50 9 accommodations, is that right --
14:47:52 10 A. Correct.
14:47:52 11 Q. -- and I think you mentioned a
14:47:54 12 trip to the Sydney Opera House?
00:00:00 13 A. Correct.
14:48:01 14 Q. Are there any other services
14:48:03 15 that she provided as far as your trip over
14:48:05 16 there?
14:48:05 17 A. The flight from Sydney to
14:48:07 18 Townsville, the hotel in Townsville, you
14:48:10 19 know, before the boat left -- or after the
14:48:12 20 boat got back; you know, flights back.
14:48:15 21 Q. She arranged for your flights
14:48:18 22 back after --
14:48:18 23 A. No, well, I mean it was round

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14:48:21 1 trip so --

14:48:22 2 Q. Okay. Okay. Did Freida help
14:48:25 3 you or your mom arrange your trips back to
14:48:33 4 the United States, if you know?

14:48:35 5 A. I don't know. My
14:48:35 6 understanding was that DAN organized the
14:48:37 7 trip, the flights back but, I mean, that
14:48:40 8 is second and third and fourth hand
14:48:41 9 information so I don't know.

14:48:43 10 Q. What, if anything, do you
14:48:47 11 claim that Freida Gamill or Get Away
14:48:50 12 Travel did wrong?

14:48:53 13 A. Based off of our conversations
14:48:58 14 is that what you are asking.

14:48:59 15 Q. I am just asking your
14:49:01 16 understanding of what you are claiming my
14:49:02 17 client did wrong?

14:49:03 18 A. When I went in there, she knew
14:49:05 19 that we were going to be doing a diving
14:49:08 20 trip. The subject of the trip
14:49:09 21 cancellation came up. You know, she
14:49:11 22 showed me this brochure, said that, you
14:49:16 23 know, they are a good company. If there's

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14:49:18 1 some sort of terrorist attack or something
14:49:20 2 like that, you know, they will cover it.
14:49:22 3 Which, at the time, I think was not too
14:49:24 4 long after the Bali bombings in Australia.

14:49:30 5 And then I had asked her if -- you know,
14:49:32 6 if it would cover diving, since that was,
14:49:35 7 you know, half of the trip and the
14:49:36 8 majority of the money. And she thumbed
14:49:39 9 through the brochure and said well, if it
14:49:42 10 doesn't explicitly say that it doesn't
14:49:44 11 cover diving, then you are to assume it
14:49:47 12 does cover it.

14:49:47 13 Q. Do you have an understanding
14:49:48 14 of whether she knew one way or the other
14:49:50 15 whether the policy excluded diving?

14:49:52 16 MR. LILIENTHAL: Object to the
14:49:52 17 form.

14:49:59 18 A. No. My assumption was since
14:50:01 19 she does it and she read through it that
14:50:04 20 she knew. I mean, I didn't have any
14:50:06 21 reason not to believe her.

14:50:07 22 Q. (BY MS. PEARCE:) Freida
14:50:07 23 didn't actually sell that policy to you,

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14:50:11 1 though, did she?

14:50:12 2 MR. LILIENTHAL: Object to the
14:50:13 3 form.

14:50:13 4 A. As far as -- I mean, she gave
14:50:14 5 it to me and I mailed it in.

14:50:20 6 Q. (BY MS. PEARCE:) She gave you
14:50:20 7 the brochure; is that right?

14:50:22 8 A. Correct.

14:50:23 9 (Off-the-record discussion.)

14:50:24 10 Q. (BY MS. PEARCE:) You didn't
14:50:24 11 collect a premium for that coverage when
14:50:27 12 you filled out your application; is that

14:50:29 13 correct?

14:50:34 14 A. Nothing from me.

14:50:34 15 Q. What exactly are you claiming
14:50:36 16 against Freida and Get Away Travel?

14:50:41 17 A. Well, I feel that I was misled
14:50:43 18 on the dive coverage or on the insurance
14:50:47 19 as to whether or not it would cover
14:50:49 20 diving. I was led to believe that it
14:50:52 21 would when, in fact, it wouldn't.

14:50:55 22 Q. Do you have any evidence at
14:50:56 23 all that Freida or anyone at Get Away

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14:51:00 1 Travel intentionally tried to mislead you?

14:51:02 2 A. Intentionally?

14:51:03 3 Q. Yes.

14:51:06 4 A. I have no idea what their
14:51:08 5 thoughts were.

14:51:26 6 Q. You were testifying earlier
14:51:28 7 about the mental anguish you are claiming
14:51:31 8 as a result of the facts of this lawsuit.
14:51:34 9 Are you claiming that anything Freida or
14:51:37 10 Get Away Travel did caused or contributed
14:51:39 11 to that mental anguish?

14:51:41 12 A. Yeah.

14:51:41 13 Q. What?

14:51:43 14 A. Well, that they misled me as
14:51:46 15 to what the insurance did cover or what it
14:51:49 16 didn't cover, which ultimately led to the
14:51:53 17 claim being denied.

14:52:28 18 (Off-the-record discussion.)

14:52:30 19 Q. (BY MS. PEARCE:) Regarding
14:52:30 20 the coverage that you sought through

14:52:32 21 Traveler, how much coverage did you
14:52:34 22 purchase?

14:52:34 23 A. I think it was the ten

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14:52:36 1 thousand dollar bracket. Are you asking
14:52:38 2 how much I paid for it or how much the
14:52:39 3 coverage was?

14:52:40 4 Q. Well, you can cover
14:52:42 5 different -- I guess, I am assuming, you
14:52:44 6 can cover all or part of a trip. Did you
14:52:46 7 intend to cover all of your trip or part
14:52:48 8 of your trip or some combination thereof?

14:52:50 9 A. After I was told that diving
14:52:51 10 would be covered, I covered the entire
14:52:53 11 amount.

14:52:58 12 Q. And what was the total amount
14:53:00 13 of that trip cost wise?

14:53:03 14 A. Off the top of my head, I am
14:53:05 15 guessing ten thousand dollars.

14:53:11 16 Q. So it is your testimony that
14:53:13 17 you were purchasing coverage to cover a
14:53:15 18 ten thousand dollar trip?

14:53:16 19 A. If that is how much the trip
14:53:18 20 was.

14:53:25 21 Q. You are also claiming punitive
14:53:27 22 damages in this lawsuit. Are you
14:53:30 23 attributed any of the punitive damages to

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14:53:32 1 Freida or Get Away Travel?

14:53:35 2 MR. LILIENTHAL: Object to the
14:53:36 3 form.

14:53:36 4 A. What do you mean attributing.

14:53:38 5 Q. (BY MS. PEARCE:) Are you
14:53:39 6 claiming punitive damages, that Freida or
14:53:41 7 her company did anything that warrants
14:53:43 8 punishing, are you attributing any of that
14:53:45 9 to her?

14:53:46 10 MR. LILIENTHAL: Same
14:53:46 11 objection.

14:53:47 12 A. What?

14:53:47 13 MR. LILIENTHAL: Go ahead.

14:53:48 14 A. Yeah.

14:53:49 15 Q. (BY MS. PEARCE:) Well, do you
14:53:53 16 think that she did anything intentionally
14:53:55 17 to misrepresent or mislead you in any way?

14:53:58 18 A. I don't know. I think that is
14:53:59 19 why we are going to court to let the jury
14:54:01 20 decide.

14:54:01 21 Q. So you don't have any evidence
14:54:03 22 that she did anything to intentionally
14:54:05 23 mislead or misrepresent anything to you?

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14:54:08 1 A. No, that is what I said
14:54:09 2 earlier.

14:54:19 3 Q. At some point after you
14:54:21 4 returned from Australia, did you go by Get
14:54:24 5 Away Travel to talk with anyone there?

14:54:25 6 A. Yeah, I believe I did.

14:54:32 7 Q. Do you know about when that
14:54:33 8 would have been?

14:54:33 9 A. It was -- wow, I think it was
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14:54:35 10 before I sent the forms in. Because I
14:54:38 11 went to pick up another brochure when we
14:54:41 12 found out that there was a discrepancy in
14:54:45 13 the '04 and the '02 or whatever the years
14:54:48 14 were on the brochures.
14:54:49 15 Q. Did you speak with anyone when
14:54:51 16 you went by there on that occasion?
14:54:54 17 A. Probably Freida, but I don't
14:54:55 18 know.
14:55:00 19 Q. Do you remember anything you
14:55:01 20 all I would have talked about?
14:55:02 21 A. No, not at that point.
14:55:04 22 Q. How was it that you noticed a
14:55:06 23 discrepancies -- a discrepancy in the

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14:55:09 1 brochure that you originally got and the
14:55:11 2 brochure that you received later on?
14:55:14 3 A. The date on the back of it,
14:55:19 4 wherever it is. Yeah, on -- the product
14:55:21 5 number, the 0502, which is what I filled
14:55:24 6 out. And then the other one had an 04,
14:55:27 7 indicating that it was printed the next --
14:55:30 8 you know, for use for the next year, the
14:55:33 9 next cycle or whatever.
14:55:49 10 MS. PEARCE: I believe that is
14:55:50 11 all I have. Thank you for your time.
14:55:52 12 MR. LANGLEY: Nothing more. I
14:55:54 13 don't have anything else.
14:57:42 14 (Deposition concluded at 2:57 p.m.)

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