

## Send Lawyers Guns & Money



A few years ago, my friend Richie organized a trip to the Andrea Doria. This infamous Northeast wreck is a challenging dive by any standard you might apply, and the number of accumulated diving fatalities are in the double digits. It is not for everyone. Richie properly vetted the divers accompanying him, and everyone understood the dangers.

On the second day of diving, one of the divers jumped off the dive boat, descended, and did not return. His buddy, who was on the anchor line, never saw the missing diver in the water. The USCG was notified by the dive boat captain, while Richie put together a recovery plan. If the diver was not going to be found on the surface by the USCG search, then it could be assumed he was dead on or near the wreck. There was nothing further to be done for a deceased diver at this point, other than for his fellow divers to try to find the missing diver's body, and provide some sort of closure for his family.



Recovering a body sucks. It is a sobering and somber act. Add to that the stress of a deep, dark and dangerous environment with currents, limited

viz, and nothing to hang on to. It is not just challenging, it is dangerous. On a body recovery on the Doria, you are not sure if you are shivering because you are cold, or scared. Ultimately, the diver's body was found by Richie and another diver, in the sand away from the wreck, in 250' of North Atlantic water.

The coroner would later determine that the diver died of a heart attack, and then drowned. This is unusual for a diver less than 40 years old, and certainly a tragic loss for a young widow with three children. We can't help but wonder how things might have turned out differently, but they didn't, and life goes on. We all sympathize with the family as they continue without a husband and father. It is sad stuff, even when we don't personally know the diver and his family.

I guess the story could end here, but it doesn't. The family brought in a hired legal gun, who by the way knew nothing about diving, which apparently is an advantage? Guess what happened next?? They sued everyone. They sued the certification agency, they sued the instructor who also sold the diver his rebreather, they sued the dive boat, they sued the rebreather manufacturer. They sued everyone, including my friend Richie the trip organizer. They even sued the History Channel because Richie at one time worked on a program for them, on the Andrea Doria!!

Now, I am not a lawyer but I assume they teach this stuff at law school, and call it by a secret Latin name, but I will call it the "shotgun approach". Then what happens, like you don't know already?? After the wild accusations, they want to settle with everyone for amounts of cash that are just a little less than the defendants cost of fighting the lawsuit. For anyone with insurance, the insurance company wants to settle because it is "cost effective", in spite of the fact that the defendant had absolutely, positively, nothing to do with the fatality.



At this point, I think that most of us also assume, that the family will end up with little or nothing, while the sleazy lawyer collects the cash?? Does the plaintiff lawyer in these cases ever really place the welfare of the plaintiffs above themselves??

So, in this case the Instructor and his cost cutting insurance company settled for a 5 figure amount, apparently so the ambulance chaser can put gas in the car to chase

another ambulance. Now, everyone was in court, and the defendants start dropping out of the case one by one. Some, the judge sends home because the allegations are too fake, and on others because the plaintiff legal team does not do their homework and get their legal papers in on time.

After 3 years of legal BS, Richie is the last man standing, and he is being sued for \$16,000,000. Now, Richie had insurance, and that insurance was going to cover like the first \$2,000,000 of any award. However, anything over that was going to have to be paid by Richie personally. He would be financially ruined, aside from all the stress. There was a lot on the line for him, and I am surprised that he did not have a heart attack??

Aside from all this, the case involved the Liability Release that the deceased diver signed. Basically, the family of the deceased diver claimed that any release, by any participant, was invalid. If they won the case on this point, Richie would be screwed, and you would never see a Liability Release again. You would most likely never see a dive boat again. Why would any operator take anyone diving, when he was totally responsible, to the tune of millions of dollars, for anything that happened to you, up to and including heart attacks, and any agreement to the contrary was unacceptable in court??? Diving as we know it would cease to exist, because of a sleazy lawyer who knows nothing about diving. Nice.



Richie risked his life to recover the dead diver's body, in 250' of sand off the Doria for a family that was now determined to ruin his life. They attacked Richie both personally and professionally. The family alleged all sorts of stuff while they disposed of real evidence like the diver's dive computer. The last thing they wanted was any evidence. Their case was built on the suppositions, fabrications, and fantasies of non-divers, about diving.

Anyway, last week the family outright lost the case in a jury trial in Texas. Apparently the legal system worked? Go figure. I can't say that Richie won, because he didn't win anything other than an end to the nightmare this family and their hired gun tried to perpetrate on him, but only after tens of thousands of dollars in personal expenses, and god knows how many sleepless nights. It is over, and Richie is openly grateful to his

legal team. Who in that situation would not be?? Are there good lawyers, and evil lawyers??

Does anyone out there think this lawsuit is not total crap? Is there anyone who thinks this sort of legal BS is fair or just? Is there anyone out there who does not see this entire pathetic circus as wrong beyond belief?? Is there anyone out there who thinks they will ever get \$16,000,000 out of Richie??

Now, we all know there are legitimate lawsuits. There are differences between parties, and one party can cause damages to another party, blah blah blah. If they can't work it out, then everyone steps back, cools down, and hires level headed attorneys to mediate the problems, or they go to court. That is not what we are talking about here. We are talking about a lawsuit so baseless, and phony, they want us to believe that the History Channel was the cause of this guy's death? Seriously??? The History Channel?? Don't we all believe that this was just a scam to shake down the insurers?

Why do we tolerate these kinds of law suits where bullying, lying, and character assassination are so casually acceptable? Aside from victims like Richie, you and I pay for these crap lawsuits with higher insurance premiums and services. It is obviously unfair to just about any observer.



Is the government going to help us?? We know that won't happen, don't we. Our lawyer legislators show no interest in curbing these out of control predators, so we are on our own.

So, what can we do while we wait for the revolution?? Now, I hope you never witness a diving fatality, but if you are ever involved in something like this, please collect as much documentation as you can. Write stuff down, take photos, shoot GoPro, use your phone, anything and everything. There is nothing an ambulance chaser hates worse than evidence.

No one can turn a phrase like the late, Warren Zevon. 😊

Cheers,

