

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY, FLORIDA

IN RE: MARINE SAFETY OFFICE INVESTIGATION /

DEPOSITION OF SAMUEL HAMILTON, III

Taken before Evelyn B. Astrin, Notary Public for the
State of Florida at Large, on Wednesday, the 22nd day of
January, 2003, at the U.S. Coast Guard Marine Safety
Office, 100 MacArthur Causeway, Miami Beach, Florida, at
1:30 p.m. pursuant to Notice.

COPY

APPEARANCES:

U.S. COAST GUARD, MARINE SAFETY OFFICE
BY: LT. ERIK LASALLE
LT. NICOLETTE ARROYO
LCDR LARRY BOWLING
100 MACARTHUR CAUSEWAY
MIAMI BEACH, FLORIDA 33139
ON BEHALF OF THE U.S. COAST GUARD.

KELLER BOLZ LLP
BY: JOHN W. KELLER, III, ESQUIRE
121 MAJORCA AVENUE SUITE 200
CORAL GABLES, FLORIDA 33134
ON BEHALF OF THE WITNESSES.

I N D E X

<u>Witness</u>	<u>Page</u>
SAMUEL HAMILTON, III	
DIRECT EXAMINATION BY LT. ARROYO	3
FURTHER DIRECT EXAMINATION BY LCDR. BOWLING	8
CROSS EXAMINATION BY MR. KELLER	24
REDIRECT EXAMINATION BY LCDR BOWLING	26

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Thereupon:

2 SAMUEL HAMILTON, III

3 was called as a witness on behalf of the investigation, and
4 after having been first duly sworn, was examined and
5 testified on his oath as follows:

6 DIRECT EXAMINATION

7 BY LT. NICOLETTE ARROYO:

8 Q Could you state your name, and your address,
9 and your telephone number, and your position with the
10 company?

11 A Okay.

12 I just moved into a new home. Might take
13 some thinking. Sammy Hamilton the Third, 4110 First
14 Avenue, Northwest, Naples, Florida, 34110.

15 That's the best I can do. It's a new home.
16 We have only been there just a few months.

17 Q And your position with the company?

18 A Owner, manager.

19 Q Manager, okay, great.

20 I am just going to ask you some general
21 questions about the Panther One in particular.

22 You are aware that the Panther One grounded
23 sometime in the beginning of December, 2002?

24 A Correct.

25 Q Okay.

1 How were you notified of the grounding? Were
2 you on scene that day?

3 A I was there at the ranger station.
4 Basically, I don't think he called in, or at least I am not
5 aware of the fact he called in.

6 As far as the grounding, at the time,
7 basically he got off on his own pretty easily, but on the
8 way in he sucked -- you have a lot of sand and shell in the
9 scoop, and the motor wasn't pumping water. And it caused
10 the water gear to seize up.

11 Fixing to leave is where -- when he called
12 up, we had to try to get the boat up and running.

13 Q Did you go out there?

14 A Yes.

15 Q You did?

16 A Yes.

17 Q And do you know if the vessel came back in on
18 its own, or was it towed in?

19 A It did come back in on its own. We got Drew,
20 that was the captain, Drew, that day, and the one passenger
21 he had on the boat. We had a little six pack boat we use
22 as a tour boat.

23 We got Drew and the passenger back to the
24 ranger station. Stanford, my brother, and myself went back
25 out there and we took tools with us to see if we could get

1 it up and running. And immediately opened up the sea
2 strainer. It was full of sand and shells. And we pumped
3 that out and put it back in the boat and fired the boat up.

4 And we started back in, and it started
5 running hot again. As long as Stanford backed off it, he
6 was able to ease back to the dock.

7 And we followed behind him with the six pack.

8 Q So, the vessel was not towed in?

9 A It was not towed in.

10 Q When you got back to the dock, what repairs
11 did you do?

12 A We figured it was the water pump gear. We
13 put a new one in.

14 Q Did you do any other type of repairs? Was
15 the vessel taken out of the water for anything at all?

16 A No.

17 Q Are you aware of any other previous
18 groundings besides that one?

19 A No.

20 Q Any fiberglass repairs to that boat at all?

21 A No.

22 Q Okay.

23 A I mean, we could go back probably seven,
24 eight months, a year, when we dry dock it for routine
25 maintenance. Probably a little fiberglass there.

1 LCDR LARRY BOWLING: Might as well go
2 there. There are indications of a hull repair,
3 we don't know when.

4 THE WITNESS: Routine maintenance, we
5 pull them up mainly to -- I paint them, get
6 them looking good for the park service and for
7 us, the tourists.

8 You see, on the bottom, if you have any
9 glass peeling, if you do not do it all the
10 time -- it's a small area, you get in there and
11 sand it out, make sure it is all dry and you re
12 glass it. It's just normal wear and tare, as
13 far as I am concerned.

14 MR. KELLER: Off the record a second.

15 (Thereupon, a discussion was held off the
16 record, after which the following proceedings
17 were had:)

18 MR. KELLER: Sorry to interrupt.

19 BY LT. NICOLETTE ARROYO:

20 Q Have any of the masters reported to you any
21 low free board on those vessels at all?

22 A No.

23 Q And on the 30th of December, 2002, how did
24 you learn of the sinking?

25 A I was on the site of the ranger station. We

1 had to leave in a few minutes. My wife and I had to leave
2 to get her a sandwich. We came back and immediately
3 everybody was on me telling me what happened.

4 I understand Stanford, and Kenny, captain
5 Drew and the skimmer were on their way out. And my Dad
6 told me, immediately get into the smaller rescue boat.

7 And I jumped on that and probably was behind
8 them five or six minutes.

9 Q And do you remember how many passengers you
10 picked up?

11 A I didn't pick up any passengers. By the time
12 I got out there the skimmer and Panther Two, the two rescue
13 boats we sent out had already picked up passengers.

14 I pulled up beside the Panther Two, probably
15 the first one, wanted to make sure everybody was okay and
16 accounted for. And went to the next boat and asked the
17 same question, thumbs up and all that.

18 And I went immediately to where they were
19 pulling the boat up on the sandbar there.

20 Q Do you know what type of bottom that is where
21 the vessel was up on?

22 A Where we beached it?

23 Q Yes.

24 A A hard sandbar with a little shell in it.

25 Q And the radio, and you are in charge, have

1 you maintained it?

2 So, when you say you are a manager of the
3 company, are you in charge of like the masters, the
4 training?

5 A I am pretty much the outside manager. I
6 don't have anything to do with ticket sales.

7 I work outside. I work with the captains,
8 the deckhands. I am involved in most maintenance on the
9 boat with Kenny and Stanford. I rent canoes on the side, a
10 little of everything.

11 LT. NICOLETTE ARROYO: Okay.

12 That's all I have.

13 FURTHER DIRECT EXAMINATION

14 BY LCDR LARRY BOWLING:

15 Q Briefly, following up on a couple of things.
16 When you say you replaced the water pump
17 gear, I wanted to get specific. Did you replace the
18 impeller?

19 A Just impeller.

20 Q The mechanical housing on the pump itself
21 still stayed intact, just the impeller?

22 A Yes.

23 Q Regarding dry dock, the Panther One went on
24 formal dry dock December, 2000, I believe. I don't have
25 the records in front of me. Were you present on that dry

1 dock?

2 A Was this inspection?

3 Q The credit hull examination, Bob Lawrence
4 (phonetic) came for that?

5 A The bottom inspection?

6 MR. KELLER: 2000?

7 You are saying, 2002?

8 LCDR LARRY BOWLING: 2000.

9 THE WITNESS: I am at every inspection;
10 have been forever.

11 BY LCDR LARRY BOWLING:

12 Q Do you recall that dry dock? That was the
13 last credit dry dock the Coast Guard was present for, and
14 the Panther, do you recall that dry dock?

15 A I was there. I'll try to recall the best I
16 can.

17 Q The inspector was Bob Lawrence. He wears
18 round glasses like Radar O'Rielly.

19 A I remember a Bob.

20 Q Do you recall anything about that dry dock
21 you can expand on here?

22 A Nothing highly unusual. She didn't take the
23 C O, that I am aware of, tests.

24 Q The C O I?

25 A C O I, I am sorry.

1 I really can't even remember if there was any
2 sort of repairs we had to make at the time. I am not real
3 sure.

4 Q Fair enough.

5 Regarding the Panther One, since that time
6 after that official dry dock, do you remember how many
7 times it had been up on the rail to have you guys look at
8 it?

9 A Once.

10 Q Do you know when that was approximately?

11 A We are talking 2002, we had a hull
12 inspection?

13 Q Right.

14 A 2001 -- 2002, I would say twice because we
15 pull it yearly.

16 Q You pull it yearly?

17 A You have to have the bottom painted at least
18 once a year.

19 Q Is that a written policy or something you
20 guys -- hey, it is time to pull it out, clean it up?

21 A It's not on paper, but it's something we have
22 done. Every once a year you pull the boat, like I say any
23 kind of maintenance you do it, basically paint the sides
24 and paint the bottom, check the prop, see if you have to
25 put a new propeller on it, whatever.

1 Basically, the season you will have to get it
2 for seven days a week, the big rush from Christmas to the
3 end of Easter.

4 So, right around the holidays, Christmas
5 Thanksgiving, definitely then. Right after the season,
6 we'll pull it again for the summer, put another coat on,
7 paint on the sides, and get them ready for the summer.

8 Q Given at least that schedule you guys have
9 followed at least over the years of experience, can you
10 give me a guesstimate how many times you have pulled the
11 Panther One from that credit dry dock where the Coast Guard
12 attended?

13 A I would say two times.

14 Q To your knowledge, the extent of the
15 maintenance during both of those dry docks were what?

16 A Basically nothing, mainly paintings.

17 Q Cosmetic stuff?

18 A Cosmetic.

19 Q You were there with me when I was examining
20 the hull of the Panther One back towards the stern. I
21 think I showed you some of the new areas that had
22 fiberglass gell and resin, or resin and matting?

23 A In the tunnel?

24 Q Outskirts of the tunnel, the port, and
25 starboard, left and right. Do you know why they were put

1 in?

2 A Looking into the bottom?

3 Q I will describe the scenario. The boat is up
4 on the rail?

5 A Right.

6 Q If I get on my back at the stern and slide
7 like a mechanics slide up under the transom of the vessel
8 you got the skag running down the center here to my left,
9 the starboard of the vessel.

10 There were one, two repairs on the bottom
11 portion of the hull, towards the transom. The stern, and
12 then on the tunnel there is a set of -- there is repaired
13 material there. Do you know when those were put in?

14 A I don't believe that is recent because no
15 work like that, to my knowledge, has been done on that
16 boat.

17 How big a patch?

18 Q Small.

19 A Just small?

20 Q Four inches.

21 A Tell you what happens, a lot of times why we
22 do that, like I say, I don't think I have done that in the
23 last two dry dockings.

24 Maybe we'll go back three, four years. Like
25 I say a lot of times you will get bubbles where, if it

1 breaks loose --

2 Q Blisters?

3 A Yes, you have to sand it out and do it right.

4 Q Make it look like a clean repair?

5 A Sure.

6 Q You confirmed the composition, or you told
7 Nicolette Arroyo the composition of the sandy area where
8 you had the vessel pulled over to. Do you know what the
9 bottom is composed of?

10 A I have looked at it on the depth finders,
11 they say it is mainly a lot of rocks. The tide runs
12 through there pretty quickly. You don't have a lot of silt
13 or grass, it's mainly --

14 Q Hard bottom?

15 A Yeah, hard bottom.

16 Q Have you had any of the company staff ever
17 indicate to you they have had problems with inappropriate
18 free board on the Panther One? Are you familiar with the
19 term free board?

20 A Sure.

21 Q In other words with certain placements of
22 passengers you may have low free board forward or aft?

23 A They don't complain as much as I do. The
24 Panther One does have a lot less free board than the other
25 boats -- not a lot less, you have to load it correctly, if

1 you put too much weight on the back or forward.

2 I have had to run out there and say, like,
3 guys, rearrange your passengers so the boat will look
4 level.

5 Q When you say and give -- how much free board
6 are you indicating?

7 A The back, sitting like this.

8 Q In the stern?

9 A Yeah. And I have seen four, five inches.

10 Q Okay.

11 How recently would you have had -- you said
12 you had to run out there and tell the captains to reload or
13 shuffle their passengers for better seating arrangements?
14 How frequent is that, and when was the last time you did
15 that with the Panther One?

16 A Man, I don't know how frequent. I am getting
17 onto the captains. Probably, you know, roughly say four to
18 five times a year.

19 Q Do you specifically recall anything recently,
20 in the last, say, two months on the Panther One?

21 A I recall it was captain Dennis, he came in
22 with the Panther One, we watched him coming in. He had a
23 lot of weight in the back corner. The starboard corner of
24 the stern the boat was sitting like this.

25 Coming in, pulls to the dock. I am sitting

1 there. He had probably twenty-eight, twenty-nine people on
2 there. Let's get these people off the boat as quick as
3 possible because most of them were in the back.

4 A lot of times I have noticed -- I ran it
5 like ten years, but over the years, I noticed your
6 heavier-set people will tend to go to the back of the boat.
7 The seat in the front is not real comfortable for the
8 couple that is heavy-set. Normally they'll go to the back
9 of the boat and sit in the back corners, one side or the
10 other.

11 It is always a big problem, you don't want to
12 go back and say, can you guys go back to the front or
13 separate here.

14 He had a lot of people on the boat. The
15 water is coming through the skuffer when he is coming to
16 the dock, and I say, let's get these people off as quick as
17 possible. And the boat didn't get off as quick as it
18 should have.

19 And I get out there and say, captain, what is
20 going on here?

21 We go to the boat, and he has his bilge pump
22 off in that corner, and I say, "Why the hell is your bilge
23 bump off"?

24 He said, "It doesn't work automatic".

25 And I say, "Put it on manual".

1 And he said, It's "not working automatic
2 either".

3 It doesn't have a float switch, so it has
4 some kind of memory inside. A lot of times they'll turn
5 the pump off, or click it manual, or let it go back to
6 neutral.

7 LCDR LARRY BOWLING: Off the record.

8 (Thereupon, a discussion was held off the
9 record, after which the following proceedings
10 were had:)

11 LCDR LARRY BOWLING: Back on the record.

12 THE WITNESS: So, anyway, the bilge pump
13 is in the neutral position.

14 So, I go and put it automatic. Or, to
15 turn it on you have to go to neutral five
16 seconds, not six, seven seconds, put it back on
17 automatic and it immediately took off.

18 BY LCDR LARRY BOWLING:

19 Q You say "took off". It immediately started
20 discharging water?

21 A Right, discharging water.

22 Q Did you see the switch from the Panther One
23 that I extracted on my last visit to Everglades City, with
24 regard to the terminals, the positive and negative leads?

25 A The switch from the --

1 Q Yes.

2 A I didn't see that.

3 Q To your knowledge the date of sinking, the
4 30th of December, any issues you observed with your
5 masters? Did it go out on an earlier trip?

6 A The day it went down, it went on two trips
7 before that.

8 Q On either trip with inappropriate loading for
9 the vessel?

10 A No.

11 Q What about excessively low or excessively
12 reduced free board?

13 A I was there and I didn't have a problem with
14 it that day, so it must have been fairly even.

15 Q We asked your father this question, and I
16 kind of wanted to clear it up with you. Are there any
17 written management policies that say, when a master shows
18 up on a vessel he or she has to do certain things prior to
19 getting under way?

20 A We leave it up to the captain. He is the
21 captain of the boat. Once it gets under way he makes sure
22 everything is proper.

23 The procedure is get ahold of Stanford, me,
24 or Kenny Wells, and the boat is fixed before it leaves the
25 dock.

1 Q What about route familiarization for your
2 captains, how do you run that?

3 A After we hire them, pick them out -- we
4 interview several of them and basically the interview is
5 conducted by myself and my Dad.

6 And if the captain -- we get them off to the
7 side, talk to them, feel them out. If we like what they
8 say, we bring them back and put them on board with the
9 captains that have been there for awhile, and we say you
10 are going to train with this captain here for this week, go
11 out with him four trips a day, five or six days, and we'll
12 put you on another boat with another captain.

13 Basically, it is all the same route. They
14 all use the same route.

15 And we talk to the captain doing the
16 training. We ask what he thinks about the guy. Turn the
17 wheels several times, bring the boat in and out of the bay,
18 turn them out to the main channel where they run.

19 And I say, captain, is he able to run the
20 boat, handle it, bring it in and out, the wind and low
21 tide?

22 And the captain will say, yes. And that goes
23 a long way. These captains, if they tell me something like
24 that, we give them a try.

25 The training is they ride with the other

1 captains on the tour boats they're going to run. It's the
2 same path. Pretty much they follow the same channel up and
3 back. And they're told not to swerve off the channel.

4 Specially by my Dad, in the beginning, you
5 have a course run, you have to run that course. If you --
6 I hear you deviate from the channel a little, or turn in
7 the channel -- it is narrow -- you are out of here. It's
8 laid out.

9 Q Would that include -- at least through the
10 course of the other statements, and so forth, and the day
11 of the accident, or the day after the accident, we
12 established some of the captains, in an effort to get the
13 tip, race dolphins, and there are some maneuvers they do --
14 I wouldn't call high speed, but, turns in a radius?

15 A It is crazy. I don't know why they do it.
16 They have been told not to.

17 Q Have you told captains not to do that?

18 A I have told them a thousand times. Even on a
19 fiberglass boat you don't want to do that constantly out
20 there, and a wooden boat you definitely don't want to do
21 it. It's not a proper procedure. We don't want to hear
22 about it.

23 The circle thing is catching me off guard.
24 If they want to do a -- on the course they get -- to get
25 the maximum wake --

1 Q The -- basically the weight shifts from the
2 aft portion of the boat to raise the bow because of the
3 displacement of the water?

4 A Basically, sit back off half throttle. And
5 lots of times they'll bring the people to the back to get
6 the stern as low in the water as they can to create the
7 surface wake, like to have the dolphins get on top of them.

8 Q You mentioned that you basically -- you and
9 your father talked to the captains about the do's and
10 don'ts of the navigation; any of that written policy?

11 A No.

12 Q Are there any written instructions to any --
13 your maintenance personal, with regard to what is expected
14 from a preventative maintenance on the vessels?

15 A Not in the past, but it has been started,
16 now. It's something that we was very informal. We always
17 made sure it was done, but it was never written out.

18 Q As far as notification of at least reportable
19 marine casualties, I provided you with a copy of 46 C F R
20 4.05. Have you had a chance to look that over?

21 A No, I haven't.

22 Q From a management prospective do you assume
23 the responsibility of notification to the Coast Guard for
24 casualties such as lack of propulsion, or do you expect
25 your captains to do that? How do you do that?

1 A It is something we should do as far as
2 running aground, or the boat towed in because of engine
3 failure. I really didn't know that had to be reported to
4 you.

5 As far as a simple running, making contact
6 with the bottom, and able to back off, I didn't think that
7 was something that needed to be reported.

8 Throughout my whole career in the national
9 park boat tours, this wasn't that major collision with a
10 sea wall -- or anything that would cause harm to someone I
11 would definitely notify you guys, and always knew I had to.

12 Q With regard to the dry dock, are you aware of
13 the Coast Guard policy of the dry docking of vessels?

14 A Sure.

15 Q What is that?

16 A Every two years.

17 Q What if you put it in a dry dock and you
18 don't want a credit from the Coast Guard for it?

19 A What do you mean, if we don't want a credit?

20 Q For example, if it holds a valid certificate,
21 are you aware what the Coast Guard expects with regards to
22 notification?

23 A I can understand if you had to replace a
24 keel, or half the bottom of the boat, or something with the
25 engine bed, a major -- a newer, bigger engine, then I know

1 we have to call you guys.

2 Q So you are aware of the form or request for a
3 non credit dry dock?

4 A No, sir.

5 LCDR LARRY BOWLING: I got the bottom
6 composition.

7 LT. NICOLETTE ARROYO: I just have a
8 question.

9 Do you know what the -- do you have any
10 requirements, like as far as reporting when
11 each vessel departs the dock every day for its
12 tour?

13 First of all, how long are the tours?

14 THE WITNESS: An hour and a half.

15 LT. NICOLETTE ARROYO: For each vessel?

16 THE WITNESS: Yes.

17 LT. NICOLETTE ARROYO: When the vessels
18 are leaving the dock, are there any procedures
19 for the master to report they're leaving?

20 THE WITNESS: Sure. They have the count
21 inside, and of course they start boarding, I'll
22 say, about five minutes before departure time,
23 get the people on board the vessel. They'll
24 radio in and say, I have so many people on
25 board.

1 The girl inside would say, captain, you
2 should have this amount on board. When you get
3 this amount you can leave whenever you are
4 ready. And then they call back and say I have
5 this amount, I'm out of here.

6 LT. NICOLETTE ARROYO: That's how it
7 works?

8 THE WITNESS: Uh-huh.

9 LT. NICOLETTE ARROYO: Have you ever had
10 any mates on Panther vessels?

11 THE WITNESS: On Panther vessels, not
12 that I am aware of, no.

13 LT. NICOLETTE ARROYO: That's all I
14 have.

15 LCDR LARRY BOWLING: We'll wrap it up.
16 John, do you have questions?

17 In your opinion only -- you have a lot
18 of indirect comments about what happened. You
19 directly played a role in some of the stuff.

20 And respond, if you were to have an
21 opinion in this case, on behalf of all the
22 entities involved, what would you come up with
23 as a conclusion of why the Panther One sank on
24 the 30th of December?

25 THE WITNESS: That would be very hard to

1 say, mainly because I haven't been able to talk
2 to Daniels. That is a shame, it would have
3 been a key factor.

4 At this time I can only tell you what I
5 have heard. And I have heard a couple of your
6 inspectors tell me that -- one said he thought
7 his honest opinion was that the captain had hit
8 something fairly hard, and of course it was
9 damage in there. We know that. I don't
10 believe it was because of any rotted or
11 deteriorating wood, obviously.

12 Other than this is what Daniels told my
13 Dad, I guess his statement was the going around
14 in circles playing with the dolphins, had a big
15 wake behind him, and another crab boat came by
16 and swamped him.

17 Other than that, it is all I know.
18 Hopefully you can figure it out.

19 LCDR LARRY BOWLING: Would be nice.

20 MR. KELLER: I am going to ask you some
21 questions.

22 CROSS EXAMINATION

23 BY MR. KELLER:

24 Q In the time between the grounding that was
25 reported to you by captain Drew, and the time this vessel

1 left the dock for this voyage in question, how long a
2 period?

3 A Roughly ten days.

4 Q Were you underneath the deck floor boards
5 looking at the top of the tunnel, I'll call it?

6 A Sure.

7 Stanford more so than I, but when we raised
8 the hatch, of course there was no water coming in. I pay
9 attention to the bilge pump. If it is discharging water on
10 both sides, you know you have a problem, and that was never
11 a problem.

12 Q When you looked at the tunnel, did you see
13 that deformation that was there now?

14 A No.

15 Q Would you believe you would have noticed it
16 that day?

17 A I would have noticed it, and Stanford would
18 have, but neither one did.

19 Q The Commander was asking you questions about
20 patch work on the bottom in the area of the tunnel. Is
21 that patch work only to the glass lamination of the wood?

22 A Yeah, just about all the patch work is on
23 that boat.

24 Q It doesn't relate to structure?

25 A No, no, there's been no structure rebuilding,

1 of any sort, on any one of those boats.

2 Q And basically the overlay of the fiberglass
3 is more of the paint job to keep the paint dry?

4 A Sure. With the fiberglass, sure, because it
5 could just spread and get worse, obviously.

6 MR. KELLER: That's all I got.

7 REDIRECT EXAMINATION

8 BY LCDR LARRY BOWLING:

9 Q We might want to expand real quick before we
10 let Sam go.

11 With regard to the repairs that you made to
12 the vessel, pumped it, what all did you do there? Can you
13 describe what temporary repairs you made to keep it afloat?

14 A Once we got back out there the tide was low
15 enough. We were able to pump it out with a big city pump
16 we borrowed from the city, obviously.

17 We pumped the water out before the tide came
18 back in, and looked around, really didn't see anything at
19 the time. We got out of there pretty late. Somebody was
20 holding us up, and the tide was coming in pretty quick.

21 Actually, Joey, my brother, Kenny Wells, and
22 Stanford -- Joey mostly saw where the damage was, the
23 tunnel strut side, water coming in down the side, like
24 this, one of the beams.

25 Q The beam we referred to, the longitudinal

1 stringer, was that the port or right side?

2 A The starboard side.

3 Q The right side?

4 A Yes.

5 Basically what we had to do, we had some sort
6 of -- I put a kind of glue that comes in a long tube. You
7 pull pieces off, rub it good, stick it on.

8 And we had to go a little ways to stop that.
9 It just slowed it down, basically it didn't stop it.

10 I was on the other boat preparing to attach a
11 line to the Panther One. I was in the skimmer. I was --
12 already had my line set up. I was in position to pull that
13 boat off, get it back to the dock.

14 And I stayed there in that position for a
15 little while, until Kenny -- Joey gave me the -- Stanford
16 gave me the go ahead and said, "We got the water out of
17 here, and we'll be able to keep it until we get back to the
18 dock".

19 Instead of the Indian channel I went around
20 the back way, the calm shallow channel.

21 Q As far as the repairs to the stringer, what
22 did you do with that?

23 A I had -- I didn't do anything other than the
24 putty we stuck in. That was all we had to do.

25 Is my brother coming in next? He was in

1 charge.

2 Q He's the putty man?

3 A I can kind of tell you he was the one that
4 had to keep his hands on it. It wanted to pop back out.

5 When we were coming in I was actually in the
6 other boat, the one towing it back to the dock.

7 Q I thought you might have been involved in
8 some of the repair on the inside.

9 A We really didn't do anything other than put
10 the putty in there, and got it back to the dock for you
11 guys to look at.

12 LT. NICOLETTE ARROYO: John?

13 MR. KELLER: No.

14 THE WITNESS: Alright.

15 (Thereupon the deposition was
16 concluded.)

17

18

19

20

21

22

23

24

25

CERTIFICATE OF NOTARY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

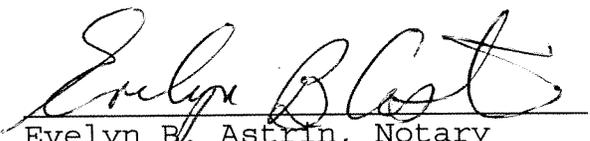
STATE OF FLORIDA :

SS

COUNTY OF DADE :

I, Evelyn B. Astrin, Shorthand Reporter and Notary Public for the State of Florida at Large, hereby certify that I was authorized to report the deposition of SAMUEL HAMILTON, III, a witness herein; that said witness was duly sworn, and that the foregoing pages numbered one through 28, constitute a true record of the statement given by said witness.

Dated at Miami-Dade County, Florida, this 18th day of March, 2003.


Evelyn B. Astrin, Notary Public for the state of Florida at Large.

My commission expires:

EVELYN B. ASTRIN
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # CC901230
EXPIRES 1/18/2004
BONDED THRU ASA 1-888-NOTARY1