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## Diving death settlement awards \$1.4M

### Three companies agree to compensate the victim's families after her 2003 accident

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A \$1.4 million settlement was reached in a lawsuit stemming from the drowning of a 42-year-old West Virginia woman diving in waters off Hawaii in 2003.

The settlement was reached between family members of Susann Lovejoy of Huntington, W.Va., and three companies. The scuba dive charter, Waikiki-based AquaZone, paid \$400,000; Sheico PKS Inc., manufacturer of a piece of diving equipment, paid \$300,000; and the equipment distributor paid \$700,000.

At about 10:30 a.m. on July 14, 2003, Lovejoy went scuba diving at Turtle Canyon in Hawaii Kai with her husband and daughter. They were part of an eight-member dive group led by one instructor, said attorney Rick Fried, who represented Lovejoy. The 8-to-1 ratio is based on the standard by the Professional Association of Diving Instructors.



**Susann Lovejoy:** A faulty buoyancy device contributed to her death, attorney says

Fried said Lovejoy experienced problems with a device that controls the diver's buoyancy at a depth of 10 feet. She swam toward the water's surface because she had difficulty breathing. Fried said she began to panic and swallowed some water.

A dive instructor saw Lovejoy sink to the bottom at a depth of 30 feet. The instructor swam toward her, removed her scuba gear and brought her to the surface. Fried said cardiopulmonary resuscitation was administered without success.

Lovejoy's inexperience as a scuba diver combined with the malfunction of her buoyancy device and lack of supervision contributed to the drowning incident, Fried said.

The valve device, which is vital for divers to rise or descend in a controlled manner, Fried said, releases and holds air.

"There's a hose to put in your mouth to increase or decrease the amount of air. When this was leaking, no matter how hard she tried to get air into it, it kept coming right out. It was like a purge valve, and so it came out immediately," Fried said.

The buoyancy device could not hold any air, he added. Nevertheless, Fried said more dive instructors are necessary, especially when dealing with a group of novice divers. "Had they been watching her, this could've been avoided even with the defective product," he said. "So that's our concern. It really comes down in the ultimate end result to proper supervision."

Patrick McTernan, another attorney representing the Lovejoy family, said one of the Coast Guard's findings in the investigation of the drowning was that there was inadequate supervision.

comment on the settlement. Attorney Richard Lesser of a California-based law firm, who represented AquaZone, could not be reached for comment.

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