

Friday, December 10, 2004

3-year-old's death leads to settlement

The whale-watching company will make changes to prevent future accidents

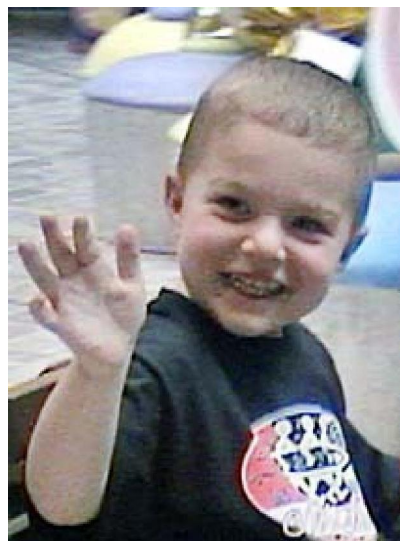
By Mary Vorsino
mvorsino@starbulletin.com

A tour boat operator has settled a lawsuit filed after a 3-year-old boy was killed when the boat collided with a humpback whale off Diamond Head last Christmas.

Ryker Hamilton of Norfolk, Va., was fatally injured on a whale-watching cruise aboard the 77-foot American Dream. The boy, who suffered head and neck injuries when he hit the handrail and deck after the boat collided with a whale, was traveling with his parents and grandparents.

Rick Fried, attorney for the boy's family, said terms of the settlement would not be disclosed as part of the agreement.

"While nothing can replace the loss of a child, the Hamilton family has accepted what they believe to be an appropriate settlement," Fried



STAR-BULLETIN / 2003

Ryker Hamilton, 3, died last Christmas in a whale-watching boat accident.

statement yesterday.

As part of the settlement, Kailua-based Aquamarine, which operates the American Dream, has agreed to institute "changes to minimize the likelihood of such an incident" in the future, Fried said. He declined to elaborate.

John Lacy, attorney for Aquamarine, said the company "believes this settlement is the appropriate conclusion to this accident."

"Aquamarine remains dedicated to assuring the continued safety of their guests, crew and marine life," Lacy said.

In a Coast Guard report on the boy's death released earlier this year, American Dream Capt. Monroe Wightman III admitted to being distracted with the public address system when the vessel collided with the whale. He was trying to adjust the volume, which the Coast Guard said should have been handled by a crew member.

"It is believed that Mr. Wightman acted with negligence by turning his back and walking away from the helm of the vessel at a critical time when whales were spotted in the immediate vicinity of the vessel," the Coast Guard said.

"His inattention was during a time when (Wightman) should have been more focused at the helm ... since he knew the whales were in the area."

The accident happened after Wightman announced over the PA system that he spotted a whale about 300 yards away.

He steered the boat to get a closer view. Ten minutes later a pod of humpback whales was spotted about 100 to 300 feet from the ship's bow, the Coast Guard said.

The boy's father, Ryan, was holding the toddler in his arms when the boat collided with the whale. The jolt caused Ryan Hamilton to lose his balance. His son hit the rail with his head and neck before hitting the deck.

Death was "almost instantaneous," the Coast Guard said.

[E-MAIL THIS ARTICLE](#) ||| [PRINTER-FRIENDLY VERSION](#)

[E-mail to City Desk](#)

[BACK TO TOP](#)

Text Site Directory:

[\[News\]](#) [\[Business\]](#) [\[Features\]](#) [\[Sports\]](#) [\[Editorial\]](#) [\[Do It Electric!\]](#)

[\[Classified Ads\]](#) [\[Search\]](#) [\[Subscribe\]](#) [\[Info\]](#) [\[Letter to Editor\]](#)

[\[Feedback\]](#)