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## Tour settles in boy's death

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Family members of a 3-year-old boy killed Christmas Day last year during a whale-watching cruise have reached a confidential settlement with the operator of the boat.

The parents and grandparents of Ryker Hamilton of Norfolk, Va., alleged in their lawsuit that the boy's death aboard the 76-foot American Dream was the result of negligence.

Hamilton was in his father's arms when the boat struck a humpback whale off Diamond Head, jolting the pair forward with the boy striking the back of his neck and head on a deck railing. The father and boy then fell backward and the boy's head hit the deck.

The settlement announced yesterday by lawyers for both the family and Aquamarine (Hawai'i) Inc., operator of the American Dream, ends the court case. Attorneys for both sides said the terms are confidential and cannot be disclosed.

"While nothing can replace the loss of a child, the Hamilton family has accepted what they believe to be an appropriate settlement," the family's lawyer, Rick Fried, said in a statement issued by both sides.

Aquamarine's John Lacy confirmed that a settlement was reached. "Aquamarine remains dedicated to assuring the continued safety of their guests, crew and marine life, and believes this settlement is the appropriate conclusion to this accident," he said in the statement.

The settlement follows a U.S. Coast Guard report released in October that said the captain of the boat wasn't paying attention to where the vessel was going just before it hit the whale. Capt. Monroe Wightman III was adjusting the volume of the vessel's public address system and "failed to maintain safe navigation" with the nearby whales, the report states.

"It was also important to the family that Aquamarine has instituted changes to minimize the likelihood of such an incident occurring in the future," Fried said in the statement.

Fried said he could not elaborate and the family members could not comment because of the confidential settlement.

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