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**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING**

RICHARD ORTOLI, as Administrator
CTA of the Estate of Paul-Henri Louis
Emile Nargeolet, Deceased
Plaintiff,

vs.

OCEANGATE INC., THE ESTATE
OF R.S. RUSH III, TONY NISSEN,
ELECTROIMPACT INC., JANICKI
INDUSTRIES, INC., and
HYDROSPACE GROUP, INC.
Defendants.

CASE NO.

**COMPLAINT UNDER THE JONES
ACT, 46 U.S.C. § 30104 et seq., THE
GENERAL MARITIME LAW, AND
WASHINGTON STATE LAW;
DEMAND FOR JURY TRIAL**

PLAINTIFF’S ORIGINAL COMPLAINT

COMES NOW PLAINTIFF RICHARD ORTOLI (“Plaintiff”), as Administrator CTA of the Estate of Paul-Henri Louis Emile Nargeolet, Deceased (“Decedent Nargeolet”) and brings this action against Defendants OCEANGATE INC., THE ESTATE OF R.S. RUSH III, TONY NISSEN, ELECTROIMPACT INC., JANICKI INDUSTRIES, INC., and HYDROSPACE GROUP, INC. (collectively, “Defendants”) for their wrongdoing detailed below.

I. INTRODUCTION

1.1 On June 18, 2023, in the waters of the North Atlantic off the coast of Newfoundland, Paul-Henri Nargeolet and five other crew members boarded the manned deep-sea submersible TITAN

1 and began a descent towards the most famous shipwreck in history – the *Titanic*. Mere hours
2 later, the world learned that TITAN’S surface support ship had lost contact with the submersible,
3 and waited with bated breath for further news of the crew’s plight. Ultimately, everyone’s worst
4 fears were confirmed: the TITAN had suffered a catastrophic implosion under the tremendous
5 weight of the ocean’s depths. All five crewmembers, including Nargeolet, died.

6 **1.2** Decedent Nargeolet was known worldwide as “Mr. Titanic.” A charismatic and beloved
7 adventurer and a legend in the diving community, Nargeolet had participated in thirty-seven dives
8 to the wreckage of the *Titanic* – the most of any diver worldwide – over the course of his storied
9 career. He was part of the first expedition to visit *Titanic* in 1987 shortly after its location was
10 discovered and had supervised the salvage of innumerable *Titanic* artifacts. Nargeolet was the
11 director of underwater research at RMS Titanic, which owns the salvage rights to the sunken ship.
12 In the diving community, Paul-Henri Nargeolet (or “PH” as he was often known) was
13 synonymous with the *Titanic*.

14 **1.3** Decedent Nargeolet was also an employee of Defendant OCEANGATE INC., a deep-sea
15 diving and submersible company that designed and built TITAN for the purpose of repeatedly
16 voyaging to the *Titanic*. Decedent Nargeolet served as a crewmember aboard the TITAN; his job
17 was to guide other crewmembers and assist with navigation through the *Titanic* wreckage, which
18 he knew so well.

19 **1.4** OCEANGATE was founded by Richard Stockton RUSH, an eccentric and self-styled
20 “innovator” in the deep-sea diving industry. As detailed herein, OCEANGATE, RUSH and the
21 remaining Defendants designed, constructed and operated TITAN, in almost every way, in a
22 manner outside the norms of the diving community and industry, driven by RUSH’s apparent
23 obsession with being remembered for “innovation” alongside such luminaries as Steve Jobs and
24 Elon Musk.

25 **1.5** Decedent Nargeolet may have died doing what he loved to do, but his death – and the
26 deaths of the other TITAN crew members – was wrongful. The catastrophic implosion that

1 claimed Nargeolet's life was due directly to the persistent carelessness, recklessness and
2 negligence of OCEANGATE, RUSH and other Defendants in their design, construction and
3 operation of TITAN. Moreover, OCEANGATE, RUSH and the other Defendants were warned,
4 repeatedly, by multiple deep-sea diving experts and engineers, about the potentially fatal
5 consequences of their choices and actions. Defendants did not heed those warnings, but rather
6 appear to have been increasingly motivated over time to ignore them. Worse, in many instances,
7 RUSH concealed dangers of which he was aware, specifically providing only certain information
8 to his crew and the public at large. The warnings proved prescient. Decedent Nargeolet's death
9 was a tragic but eminently preventable occurrence.

10 **II. JURISDICTION**

11 **2.1** This is an action within the maritime jurisdiction of this Court. This claim is maintained
12 under the Jones Act, 46 U.S.C. § 30104 et seq., and the General Maritime Law of the United
13 States, and any other applicable laws that Plaintiff will plead and prove. Plaintiff hereby exercises
14 the right to pursue the claims asserted herein in state court, pursuant to the Savings to Suitors
15 clause, 28 U.S.C. § 1333.

16 **2.2** In the alternative, Plaintiff brings these claims against Defendants under Washington state
17 law for negligence, wrongful death, and products liability.

18 **III. PARTIES**

19 **3.1** Plaintiff RICHARD ORTOLI is domiciled in Miami, Florida, and has been duly appointed
20 as the Administrator CTA of the Estate of Paul-Henri Louis Emile Nargeolet by the Dutchess
21 County Surrogate's Court in the State of New York. Plaintiff RICHARD ORTOLI maintains this
22 suit for the benefit of beneficiaries allowed to recover on a cause of action stemming from the
23 death of Decedent Nargeolet.

24 **3.2** Defendant OCEANGATE INC. is a domestic corporation doing business in the State of
25 Washington, King County. This Defendant may be served with due process by serving its
26 registered agent, Fairchild Record Search LTD., 3400 Capitol Blvd SE STE 101, Tumwater,

1 Washington 98501-3351.

2 **3.3** Defendant the ESTATE OF R.S. RUSH III refers to the Estate of Decedent, R.S. RUSH
3 III (also known as Richard Stockton Rush III). The Decedent R.S. RUSH III (“RUSH”) died a
4 resident of King County, Washington, on June 18, 2023, and the probate proceeding stemming
5 from his death is pending in the Superior Court of Washington for King County. This Defendant
6 may be served with due process by serving the Personal Representative of the Estate of R.S.
7 RUSH III, which is the Decedent’s surviving spouse, Wendy Weil Rush, through her counsel of
8 record in the probate proceeding, Lora L. Brown of the Law Offices of Lora L. Brown, 1420 Fifth
9 Avenue, Suite 3000, Seattle, Washington 98101.

10 **3.4** Defendant TONY NISSEN is a natural person of majority age and is the former Director
11 of Engineering of OCEANGATE INC. This Defendant may be served with due process at his
12 residence or wherever he may be found.

13 **3.5** Defendant ELECTROIMPACT INC. is a domestic corporation doing business in the State
14 of Washington with its principal office in Mukilteo, Washington. This Defendant may be served
15 with due process by serving its registered agent, Peter Zieve, 4413 Chennault Beach Rd.,
16 Mukilteo, Washington, 98275-5048.

17 **3.6** Defendant JANICKI INDUSTRIES, INC. is a domestic corporation doing business in the
18 State of Washington with its principal office in Sedro-Woolley, Washington. This Defendant
19 may be served with due process by serving its registered agent, Peter W Janicki, 719 Metcalf St.,
20 Sedro-Woolley, Washington, 98284-1420.

21 **3.7** Defendant HYDROSPACE GROUP INC. is a foreign corporation doing business in the
22 State of Washington with its principal office in Claremont, California. This Defendant may be
23 served with due process by serving its registered agent, William Kohnen, 717 West 12th Street,
24 Claremont, California, 91711.

25 **IV. VENUE**

26 **4.1** Venue is proper in King County, Washington under Wash. Rev. Code Ann. § 4.12.025

1 because one or more Defendants resides in King County, Washington and/or performs substantial
2 business in King County, Washington.

3 **V. FACTS AND GENERAL ALLEGATIONS**

4 **5.1** Plaintiff RICHARD ORTOLI has been duly appointed as the Administrator CTA of the
5 Estate of Paul-Henri Louis Emile Nargeolet by the Dutchess County Surrogate’s Court in the
6 State of New York. Plaintiff brings this lawsuit as a result of the death of Paul-Henri Louis Emile
7 Nargeolet aboard TITAN on or about June 18, 2023.

8 **5.2** At the time of his death, Decedent Nargeolet was a resident of Dutchess County, New
9 York.

10 **5.3** Decedent Nargeolet was survived by his spouse, Anne Sarraz-Bournet, and his children,
11 Julien Nargeolet, Sidonie Nargeolet, and Chloe Nargeolet.

12 **5.4** Prior to his death, Decedent Nargeolet contributed both financial and non-economic
13 support to his spouse and children.

14 **5.5** Plaintiff maintains this suit for the benefit of beneficiaries allowed to recover on a cause
15 of action stemming from the death of Decedent Nargeolet.

16 **5.6** On or about June 18, 2023, employees and/or agents of one or more named Defendants,
17 negligently and recklessly caused the death of Paul-Henri Louis Emile Nargeolet onboard the
18 TITAN, a submersible vessel operating in navigable waters.

19 **RUSH, OCEANGATE, and the Development of TITAN**

20 **5.7** Decedent RUSH was the co-founder and acting Chief Executive Officer of Defendant
21 OCEANGATE INC. until his death on or about June 18, 2023.

22 **5.8** OCEANGATE was formed by RUSH for the purpose of designing, constructing and
23 operating manned deep-sea submersibles, including TITAN, primarily for the purpose of diving
24 to and exploring the wreckage of the *Titanic*.

25 **5.9** RUSH actively cultivated an image as a “maverick genius” of the deep-sea diving world.
26 On several occasions, RUSH described himself as an industry “disrupter” and compared himself

1 to Steve Jobs or Elon Musk.

2 **5.10** RUSH seemed to proudly flaunt convention and the “rules” of the industry, claiming that
3 many industry rules regarding submersible design “didn’t make engineering sense” to him.
4 Indeed, in an interview prior to the TITAN’s implosion, RUSH even went so far as to say to
5 journalist David Pogue that “At some point, safety just is pure waste.” To RUSH, “the more stuff
6 you’ve broken, the more innovative you’ve been.”

7 **5.11** RUSH’s devil-may-care approach to safety and obsessive quest for “innovation” above
8 all else appears to have permeated the design process behind TITAN.

9 **RUSH’s and OCEANGATE’s “Innovative” but Dangerous Design**

10 *TITAN’s Carbon-Fiber Hull*

11 **5.12** Other than TITAN, no commercial manned submersible has ever suffered an implosion
12 (only early military submarines have done so).

13 **5.13** Other than TITAN, modern commercial manned submersibles for deep-sea exploration
14 are generally made from titanium. Titanium is an exceptionally strong metal that strengthens
15 under repeated exposure to high stress. That is, with each dive, a titanium submersible can
16 actually increase in hull strength.

17 **5.14** RUSH believed that titanium was unnecessarily heavy. TITAN’s hull, at RUSH’s
18 direction, was made from carbon fiber, which RUSH called “a great material” and “better than
19 titanium.” In contrast to titanium, carbon fiber breaks down over time under pressure.

20 **5.15** RUSH acknowledged the possibility for “catastrophic failure where you have
21 imperfections in the [carbon fiber] structure.” Noting that carbon fiber makes a “crackling” noise
22 under excessive stress, RUSH proposed and installed on TITAN an “acoustic safety system” to
23 detect such crackling. According to RUSH’s thinking, the crackling noise would then warn the
24 submersible’s pilot to begin an ascent. In fact, RUSH portrayed this “safety system” – which is
25 nothing more than the detection of a possibly imminent failure of the carbon fiber hull, in a
26 manner in which carbon fiber is known to fail under pressure – as an advanced feature unique to

1 the TITAN in OCEANGATE’S promotional materials.

2 **5.16** TITAN was and remains the only submersible ever produced with a carbon-fiber hull.

3 **5.17** In addition to being constructed of carbon fiber, TITAN’s hull was cylindrical with
4 hemispherical ends. This also differed from traditional submersible design and construction.
5 Deep-sea submersibles prior to TITAN have been spherical in shape, as spheres are known to be
6 capable of withstanding the extreme pressure of deep-sea environments.

7 *TITAN’s Electronics Systems*

8 **5.18** TITAN was piloted using a mass-produced Logitech video game controller (normally
9 used with a PlayStation or Xbox) rather than a controller custom-made for TITAN’s design and
10 operation. Moreover, the controller was Bluetooth, rather than hardwired. TITAN also had only
11 “one button” (for power) within its main chamber – the remainder of its controls (for lights, ballast
12 and so on) and gauges (for depth, oxygen level and so forth) were touchscreen. RUSH stated that
13 TITAN was “to other submersibles what the iPhone was to the BlackBerry.” As with an iPhone,
14 however, none of the controller, controls or gauges would work without a constant source of
15 power and a wireless signal.

16 **5.19** TITAN’s hip, contemporary, wireless electronics systems, which differed entirely from
17 any previously designed submersible, were conceived and constructed by an electrical
18 engineering team at OCEANGATE composed largely of either current students or recent
19 graduates of nearby Washington State University. These were engineers with virtually no real-
20 world experience and no prior exposure to the deep-sea diving industry.

21 **5.20** Defendant TONY NISSEN, OCEANGATE’s Director of Engineering, offered to hire at
22 least several of these engineers (as interns, while they were still students) when the students
23 offered potential solutions to “challenges” faced by OCEANGATE and described by NISSEN
24 during a tour of OCEANGATE’s facility. The first such student hired had, by 2023, become the
25 lead electrical engineer at OCEANGATE at the time of the TITAN implosion, despite only being
26 a 2017 graduate and having six or fewer years’ of relevant work experience.

TITAN's Plexiglass Viewport

1
2 **5.21** Part of TITAN's design, like other submersibles, included a viewport through which the
3 underwater environment could be viewed directly by occupants. Because viewports must be
4 constructed from a different (and transparent) material, they present design and engineering
5 challenges that differ from a vessel's hull.

6 **5.22** The *Titanic* rests on the ocean floor at a depth of approximately 3800 meters. The
7 atmospheric pressure at that depth is an immense 6000 pounds per square inch. Every single
8 aspect of TITAN's exterior had to be engineered and built to withstand *at least* that amount of
9 constant pressure while diving.

10 **5.23** The exact specifications of TITAN's porthole as of June 18, 2023 are not presently known
11 to Plaintiff. However, based on documents from 2018, the plexiglass viewport on TITAN at that
12 time was rated only for approximately 1300 meters – one-third of the depth at which the *Titanic*
13 lay.

14 **5.24** Those same documents indicated that OCEANGATE was unwilling to spend the money
15 required to design and construct a plexiglass viewport which would be sufficient, based on
16 accepted standards, to withstand the amount of pressure at the depths of the *Titanic*.

TITAN'S Use of Disparate Materials

17
18 **5.25** TITAN had a carbon-fiber hull but also employed titanium parts connected to that hull.
19 Its viewport, as alleged above, also connected to its hull and was made from plexiglass. These
20 different materials, at various points on the TITAN, were necessarily joined together and sealed.
21 Those seals were critical to TITAN's integrity and safety. Above all else, it was necessary for
22 TITAN to remain pressurized, airtight, and watertight.

23 **5.26** However, at least one expert has pointed out that these three materials are very dissimilar
24 and have “different coefficients of expansion and compression.” When joined or sealed together,
25 the materials' different coefficients of expansion and compression can lead to loosening or
26 separation when subjected to numerous repeated cycles in depth, as would have been the case

1 after TITAN’s previous dives over its lifetime.

2 **Rush and Oceangate Ignored the Safety Concerns of Employees and Others**

3 **5.27** In 2015, David Lochridge was hired by OCEANGATE as its head of marine operations
4 and chief submersible pilot. In this position, Lochridge was ultimately responsible for “ensuring
5 the safety of all crew and clients.”

6 **5.28** In 2017, as TITAN was in development and being prepared for testing, Lochridge voiced
7 concerns about TITAN’s design. His concerns were dismissed, including by RUSH and NISSEN,
8 allegedly because Lochridge was not an engineer. In early 2018, following an inspection of
9 TITAN prior to trials in the Bahamas, Lochridge wrote a detailed report containing his
10 observations and safety concerns, including concerns regarding the integrity of TITAN’s carbon-
11 fiber hull (for which he requested a complete scan).

12 **5.29** Infuriated at Lochridge’s report, RUSH refused to perform a scan of the hull and insisted
13 that his “acoustic safety system” was sufficient to detect a lack of structural integrity in the hull.
14 At the conclusion of a two-hour meeting addressing Lochridge’s safety report, RUSH terminated
15 Lochridge – the OCEANGATE employee ultimately most responsible for the safety of anyone
16 sailing on TITAN.

17 **5.30** Shortly after his termination from OCEANGATE, Lochridge told Rob McCallum, another
18 deep-sea explorer as well as a close friend and longtime colleague of Decedent Nargeolet, that
19 there was “no way on earth you could have paid me to dive that thing [*i.e.*, TITAN].” Lochridge
20 stated that he was “worried [RUSH] kills himself and others in the quest to boost his ego” and
21 concluded to McCallum that TITAN was a “lemon” – that is, unsalvageable in its design as a
22 deep-sea craft.

23 **5.31** McCallum, like Lochridge, also tried to warn RUSH about TITAN’s safety issues and
24 seaworthiness at depth. McCallum reportedly told RUSH that “you can’t cut corners in the deep”
25 and that the issues with TITAN’s “experimental” design were “not about being a disruptor. It’s
26 about the laws of physics.”

1 **5.32** McCallum had also seen the *Cyclops I*, TITAN’s predecessor, at OCEANGATE’s
2 workshop. *Cyclops I* also had been controlled with a video game controller and had utilized
3 wireless communications technology. McCallum had observed and noted that the systems were
4 subject to “multiple points of failure” and that “every sub in the world has hardwired controls for
5 a reason,” namely that a loss of signal would not imperil the vessel. These observations were
6 disregarded by OCEANGATE, as TITAN employed nearly identical systems to *Cyclops I*.

7 **5.33** McCallum appeared to understand what RUSH refused to believe – that based on the
8 unavoidable laws of physics, the materials and design of TITAN could not hold up over time to
9 the challenges of deep-sea expeditions. Moreover, McCallum’s warnings reflected a respect of
10 time-tested knowledge within the deep-sea diving community that RUSH and OCEANGATE
11 appeared too easily to dismiss. A catastrophic disaster might not occur on TITAN’s first, second,
12 or even fifth dive, but a disaster *would* occur. It was a matter of when, not if.

13 **5.34** Lochridge and McCallum were far from alone in voicing warnings to RUSH and
14 OCEANGATE over the course of TITAN’s development. In 2018, for instance, the Marine
15 Technology Society sent a letter to OCEANGATE stating that “the current ‘experimental’
16 approach adopted by OceanGate ... could result in negative outcomes (from minor to
17 catastrophic).” The BBC has noted that numerous experts “had raised many serious questions
18 about the safety of the Titan submersible prior to” the TITAN’s fateful final dive. None of the
19 warnings were heeded.

20 **RUSH and OCEANGATE Declined to Have TITAN Certified**

21 **5.35** Deep-sea submersibles may be and often are “classed” and certified by the marine-
22 classification society DNV. Classification and certification involve the use of a DNV engineer at
23 “every stage of the submersible’s creation, from design to sea trials to diving.” DNV certification
24 is rigorous and reflects a submersible’s compliance with the most current and accepted standards
25 of deep-sea diving practice and technology.

26 **5.36** For instance, the *Limiting Factor* is a submersible designed and built by Triton

1 Submarines which had, in the years prior to the TITAN’s final voyage, dived to the deepest points
2 in each of the world’s oceans, including the immensely deep Mariana Trench. Decedent
3 Nargeolet had, with his friend Rob McCallum, participated in the *Limiting Factor’s* voyages. The
4 *Limiting Factor* had been designed in collaboration with DNV and had been certified and granted
5 a depth rating of “unlimited.”

6 **5.37** RUSH and OCEANGATE, by contrast, declined to seek DNV certification for TITAN.
7 RUSH believed that it would be too difficult to “educate” DNV personnel – who are by any
8 measure world-class experts on the requirements and dangers of deep-sea diving – on the
9 purported advantages of TITAN’s “innovative” design. RUSH appears to have believed that
10 DNV, like nearly everyone else in the industry except for himself, were stuck in and held captive
11 to the past.

12 **5.38** As a result of RUSH’s and OCEANGATE’s failure to seek classification and certification
13 for TITAN, there were no independent or third-party sources for information or assurances
14 regarding TITAN’s safety and seaworthiness – only RUSH and other OCEANGATE personnel
15 themselves.

16 **RUSH and OCEANGATE Hired Nargeolet But Failed to Disclose Material Information**

17 **5.39** As alleged above, Decedent Nargeolet was a legend within the deep-sea diving
18 community, known as “Mr. Titanic.” By almost all accounts, Nargeolet was obsessed with the
19 *Titanic*, taking advantage of every opportunity presented to him to visit it. Altogether, Nargeolet
20 dove to the *Titanic* thirty-seven times over his lifetime.

21 **5.40** Decedent Nargeolet’s deep knowledge and prior experience of the *Titanic* shipwreck site
22 meant that he, perhaps more than any other human being, best knew the position and layout of
23 the *Titanic* on the ocean floor. Nargeolet was uniquely qualified to guide a submersible (and its
24 pilot) around the many potential dangers presented by the shipwreck, and to explain to persons
25 on the submersible what any viewable portions of the *Titanic’s* wreckage were.

26 **5.41** These reasons are precisely why OCEANGATE hired Decedent Nargeolet as a crew

1 member aboard TITAN. Nargeolet’s role was to act as navigator near the *Titanic* based on his
2 detailed knowledge of the site; to act as a guide, explaining to other crew members what they
3 were seeing; and to collect scientific data, identify degradation and wreckage changes, and similar
4 tasks. Nargeolet, a former commander in the French navy with a lifetime of deep-sea experience,
5 was also well-qualified to act in almost any other capacity required on a submersible voyage. As
6 a lifelong diver obsessed with the *Titanic*, it is easy to see why Nargeolet would want to take the
7 job.

8 **5.42** Decedent Nargeolet knew that the TITAN was different from other submersibles in that it
9 was constructed from carbon fiber and used other unusual materials and components. However,
10 Nargeolet was not an engineer, a submersible designer, or a physicist.

11 **5.43** Nargeolet appears to have been persuaded that TITAN’s carbon-fiber hull construction
12 was safe *by implication* – Nargeolet had been told by RUSH that he “was working with Boeing,
13 with a big company. And when you see the way they were doing the cylinder – it’s not in a
14 garage, you know, with glue and stuff like that.”

15 **5.44** The imprimatur of Boeing as a co-developer and/or co-manufacturer alongside
16 OCEANGATE, along with RUSH’s related insinuations that the University of Washington was
17 also involved with the company’s submersible design and construction, gave Nargeolet the
18 apparent assurance that serious minds and deep pockets were participating alongside RUSH and
19 his team.

20 **5.45** The problem is that the assertions by RUSH were simply not true. Both Boeing and the
21 University of Washington, while being forced to acknowledge some degree of limited
22 participation or consulting with OCEANGATE and RUSH on *Cyclops I*, now deny that they were
23 involved with the development of TITAN.

24 **5.46** Furthermore, for all of RUSH’s projected confidence in carbon fiber as an appropriate and
25 superior material for submersible construction, RUSH confessed to a “mission specialist” on one
26 *Titanic* voyage that he had “gotten the carbon fiber used to make the TITAN at a big discount

1 from Boeing because it was past its shelf-life for use in airplanes.”

2 **5.47** Nargeolet took RUSH’s assurances of TITAN’s seaworthiness and construction at face
3 value, believing that other reputable and trustworthy companies or institutions had given TITAN
4 their stamps of approval.

5 **5.48** RUSH, knowingly, had implied that Boeing and the University of Washington were
6 involved with the project in order to preempt or assuage any concerns Nargeolet might have had
7 about TITAN’s experimental construction. RUSH furthermore made additional assurances to
8 Nargeolet about the capabilities and safety features of TITAN and its construction materials that
9 RUSH knew, or should have known, were not true and/or were not supported by the level of
10 scientific evidence he claimed.

11 **5.49** In short, neither RUSH nor OCEANGATE ever fully or accurately disclosed all of the
12 material facts regarding TITAN’s design and construction to Decedent Nargeolet. On the
13 contrary, RUSH and OCEANGATE actively fostered Nargeolet’s (and others’) false impressions
14 about the safety and seaworthiness of the vessel.

15 **The June 18, 2023 Implosion**

16 **5.50** The unclassified and experimental TITAN dove to the depth of the Titanic only a limited
17 number of times prior to June 18, 2023. As explained above, each of those prior dives could have
18 or would have weakened TITAN’s carbon-fiber hull and/or the connections and seals between
19 disparate types of material.

20 **5.51** On June 18, 2023, Decedent Nargeolet and RUSH joined Pakistani businessman Shahzada
21 Dawood, Dawood’s son Sulaiman, and British billionaire Hamish Harding aboard the TITAN to
22 descend to the *Titanic*.

23 **5.52** To secure their places aboard TITAN, the Dawoods and Harding presumably would have
24 donated \$250,000 each to OCEANGATE’s exploration efforts and been trained in the vessel’s
25 operation as additional crew members prior to the voyage.

26 **5.53** OCEANGATE required all crew members (or “mission specialists” as he called them) to

1 sign a waiver and release prior to any dive. The waiver and release read as follows:

2 This operation will be conducted inside an experimental submersible vessel that
3 has not been approved or certified by any regulatory body, and may be constructed of
4 materials that have not been widely used in human-occupied submersibles.

5 Travel in and around the vessel could result in physical injury, disability,
6 emotional trauma, or death.

7 The support vessel could expose me to property damage, injury, disability, or
8 death.

9 Assisting in the operation of the sub could lead to property injury, disability, or
10 death.

11 This waiver and release failed to disclose many key, relevant risk factors, detailed above,
12 regarding the design and operation of TITAN or the materials used in its construction. Further,
13 OCEANGATE's waiver is insufficient and ineffective to relieve OCEANGATE of liability for
14 its own gross negligence and/or RUSH's misrepresentations to Nargeolet.

15 **5.54** Approximately ninety minutes into the TITAN's dive on June 18, 2023, it became clear
16 that something was wrong. At a depth of approximately 3500 meters (just above the *Titanic*), the
17 TITAN "dropped weights" – indicating that the team had aborted, or attempted to abort, the dive.
18 Shortly thereafter, the TITAN lost communications with its surface support ship. After that, the
19 TITAN's tracking system also failed. The TITAN and its crew were gone.

20 **5.55** The United States Navy later confirmed what had been widely suspected. Approximately
21 ninety minutes into the TITAN's dive, naval acoustic devices observed an acoustic signal
22 consistent with a catastrophic implosion in the vicinity of the TITAN.

23 **5.56** The United States Coast Guard is pursuing an ongoing investigation into the TITAN
24 explosion. It may never be known for certain exactly which of the "multiple points of failure"
25 identified by Rob McCallum and others was responsible for the implosion, or whether the
26 implosion resulted from a daisy chain of failures of multiple improperly designed or constructed

1 parts or systems.

2 **5.57** While the exact cause of failure may never be determined, experts agree that the TITAN's
3 crew would have realized exactly what was happening. RUSH's vaunted "acoustic safety system"
4 would have alerted the crew that the carbon-fiber hull was cracking under extreme pressure –
5 prompting the pilot to release weight and attempt to abort. Common sense dictates that the crew
6 were well aware they were going to die, before dying.

7 **5.58** But it is obvious that RUSH's safety mechanism – to drop weight in response to hull
8 crackling – did not work. The crew may well have heard the carbon fiber's crackling noise grow
9 more intense as the weight of the water pressed on TITAN's hull. The crew lost communications
10 and perhaps power as well. By experts' reckoning, they would have continued to descend, in full
11 knowledge of the vessel's irreversible failures, experiencing terror and mental anguish prior to
12 the TITAN ultimately imploding.

13 **5.59** At all relevant times, the vessel TITAN was owned, operated, managed, and/or controlled
14 by one or more Defendants.

15 **5.60** At all relevant times the vessel TITAN was operating in navigable waters of the North
16 Atlantic, near the location of the *Titanic* wreckage.

17 **5.61** The implosion of the TITAN violently resulted in the death of all members onboard,
18 including Decedent Nargeolet.

19 **5.62** Defendants OCEANGATE INC., TONY NISSEN, ELECTROIMPACT INC.,
20 HYDROSPACE GROUP INC., JANICKI INDUSTRIES, INC., participated in the design,
21 engineering, and manufacturing of the TITAN submersible vessel.

22 **5.63** Defendant ELECTROIMPACT INC. laid the carbon fibers for the TITAN's second hull.

23 **5.64** After the carbon fibers were laid out, Defendant JANICKI INDUSTRIES, INC. cured the
24 material in its ovens.

25 **5.65** Defendant HYDROSPACE GROUP INC. manufactured the acrylic viewport onboard the
26 TITAN.

1 **5.66** Defendants OCEANGATE INC. and TONY NISSEN participated in and/or supervised
2 the design of the TITAN vessel and its predecessor, *Cyclops I*.

3 **5.67** Defendant TONY NISSEN was an employee of Defendant OCEANGATE during the
4 development and manufacturing of TITAN. His role as Director of Engineering at Defendant
5 OCEANGATE included but was not limited to managing various engineering priorities and
6 providing support and technical oversight in the implementation and operation of the submersible
7 vessel TITAN. TONY NISSEN's scope of employment at Defendant OCEANGATE also
8 included supporting the TITAN's machinery, launch/retrieval equipment, systems designs,
9 documentation, planning, troubleshooting, certification, oversight of project management, and
10 designing the viewport used in the final iteration TITAN.

11 **VI. FIRST CAUSE OF ACTION FOR WRONGFUL DEATH, NEGLIGENCE, AND**
12 **GROSS NEGLIGENCE UNDER GENERAL ADMIRALTY LAW**

13 **6.1** Plaintiff re-avers and re-alleges each and every allegation of fact and law contained herein
14 as if re-pled in their entirety.

15 **6.2** Plaintiff brings this cause of action against Defendants, jointly and severally, pursuant to
16 General Admiralty Law and the laws of the State of Washington.

17 **6.3** At all times pertinent herein, one or more Defendants owned, operated, controlled and/or
18 manned the TITAN submersible vessel.

19 **6.4** On June 18, 2023, the TITAN imploded in navigable waters of the North Atlantic Ocean,
20 off the coast of Newfoundland, Canada and beyond three nautical miles from the shore of the
21 United States.

22 **6.5** As a result of the implosion, Paul-Henri Louis Emile Nargeolet died onboard the TITAN.

23 **6.6** The implosion of the TITAN, and the resulting death of Decedent Nargeolet, was caused
24 by the wrongful act or neglect of one or more Defendants, including their respective officers,
25 agents, or employees.

1 **6.7** At the time of the underlying occurrence one or more Defendants were careless, negligent,
2 grossly negligent, and reckless in the following respects:

- 3 a. In failing to provide a safe work environment;
- 4 b. In failing to take reasonable precautions during the design, manufacturing, testing,
5 and operation phases of the submersible vessel TITAN;
- 6 c. In failing to enact and enforce safe policies and procedures for the task at hand;
- 7 d. In failing to take reasonable precautions to ensure the safety of the crew on board;
- 8 e. In failing to properly train and supervise the crew of the vessel;
- 9 f. In failing to provide warnings of unsafe conditions to those onboard the vessel;
- 10 g. In failing to act in a reasonable manner after design flaws and safety issues were
11 identified and repeatedly notified to the company's governors from both within
12 OCEANGATE INC. itself, and external sources;
- 13 h. In misrepresenting the overall hazards associated with operating the submersible
14 vessel TITAN;
- 15 i. In misrepresenting the submersible vessel TITAN's operational capabilities and
16 safeness;
- 17 j. In misrepresenting OCEANGATE INC.'s prioritization and attention to safety in
18 both designing, manufacturing, and operating the submersible vessel TITAN:
- 19 k. In failing to address clear warnings from industry experts, engineers, consultants,
20 component manufacturers, and test pilots who all identified the submersible vessel
21 TITAN was not capable of repeatedly diving to the depth of the *Titanic*;
- 22 l. Other negligent acts or omissions as proven at time of trial.

23 **6.8** The death of Paul-Henri Louis Emile Nargeolet caused injury and damages to the
24 beneficiaries of Paul-Henri Louis Emile Nargeolet in an amount to be proven at trial.
25
26

1 **VII. SECOND CAUSE OF ACTION FOR NEGLIGENCE AND GROSS**
2 **NEGLIGENCE UNDER THE JONES ACT**

3 **7.1** Plaintiff re-avers and re-alleges each and every allegation of fact and law contained herein
4 as if re-pled in their entirety.

5 **7.2** Plaintiff brings this cause of action against Defendants, pursuant to the Jones Act, 46
6 U.S.C. §30104, et seq.

7 **7.3** At all times pertinent herein, one or more Defendants owned, operated, and hired the crew
8 of the TITAN.

9 **7.4** At all times pertinent herein, Decedent Nargeolet was employed by one or more
10 Defendants in the capacity of a member of the crew of the TITAN.

11 **7.5** At all times pertinent herein, Decedent Nargeolet contributed to, and aided, the
12 submersible vessel TITAN in its mission on navigable waters. Decedent Nargeolet was tasked
13 onboard the submersible vessel TITAN with aiding in navigation near the Titanic wreckage,
14 collecting scientific data, identifying degradation and wreckage changes, and identifying portions
15 of the Titanic for other crew members.

16 **7.6** Decedent Nargeolet performed his role on each mission of the TITAN during his
17 employment with OCEANGATE, including the voyage on June 18, 2023. Decedent Nargeolet
18 spent in excess of 30 percent of his time working on TITAN (or its supporting surface ship in the
19 same fleet). Defendant Nargeolet could not perform his assigned duties without being on the
20 TITAN, and the TITAN could not complete its mission without Decedent Nargeolet being on
21 board.

22 **7.7** On June 18, 2023, while the TITAN was engaged in navigation, the vessel imploded,
23 killing Decedent Nargeolet and all others onboard the vessel.

24 **7.8** The implosion of the TITAN, and the resulting death of Decedent Nargeolet, was caused
25 by the negligence of one or more Defendants, including their respective officers, agents, or
26 employees.

1 **7.9** The death of Paul-Henri Louis Emile Nargeolet caused injury and damages to the
2 beneficiaries of Paul-Henri Louis Emile Nargeolet.

3 **7.10** At all relevant times, it was feasible for Defendants to provide to Decedent Nargeolet, and
4 said Defendants owed to Decedent Nargeolet, duties of care to provide, *inter alia*, a safe place to
5 work. Plaintiff further contends that on the occasion in question, the Defendants, acting through
6 their officers, agents, servants, and/or employees, were careless and negligent in breach of the
7 duty owed to Decedent Nargeolet as their employee.

8 **7.11** At the time of the underlying occurrence one or more Defendants were careless, negligent,
9 grossly negligent, and reckless in the following respects:

- 10 a. In failing to provide a safe work environment;
- 11 b. In failing to take reasonable precautions during the design, manufacturing, testing,
12 and operation phases of the submersible vessel TITAN;
- 13 c. In failing to enact and enforce safe policies and procedures for the task at hand;
- 14 d. In failing to take reasonable precautions to ensure the safety of the crew on board;
- 15 e. In failing to properly train and supervise the crew of the vessel;
- 16 f. In failing to provide warnings of unsafe conditions to those onboard the vessel;
- 17 g. In failing to act in a reasonable manner after design flaws and safety issues were
18 identified and repeatedly notified to the company's governors from both within
19 OCEANGATE INC. itself, and external sources;
- 20 h. In misrepresenting the overall hazards associated with operating the submersible
21 vessel TITAN;
- 22 i. In misrepresenting the submersible vessel TITAN's operational capabilities and
23 safeness;
- 24 j. In misrepresenting OCEANGATE INC.'s prioritization and attention to safety in
25 designing, manufacturing, and operating the submersible vessel TITAN:

1 k. In failing to address clear warnings from industry experts, engineers, consultants,
2 component manufacturers, and test pilots who all identified the submersible vessel
3 TITAN was not capable of repeatedly diving to the depth of the Titanic;

4 l. Other negligent acts or omissions as proven at time of trial.

5 **7.12** On or about June 18, 2023, and as a direct and proximate result of the negligent acts of
6 Defendants, Decedent Nargeolet sustained fatal injuries, which resulted in injury and damages to
7 his surviving beneficiaries. Said occurrence and injuries occurred as a result of the negligence of
8 Defendants, their agents, servant, and/or employees, acting in the course and scope of their
9 employment or agency.

10 **VIII. THIRD CAUSE OF ACTION FOR VESSEL UNSEAWORTHINESS**
11 **UNDER THE GENERAL MARITIME LAW**

12 **8.1** Plaintiff re-avers and re-alleges each and every allegation of fact and law contained herein
13 as if re-pled in their entirety.

14 **8.2** Plaintiff brings this cause of action vessel unseaworthiness against Defendants pursuant
15 to the General Maritime Law of the United States of America.

16 **8.3** On or about June 18, 2023, the submersible vessel TITAN was owned, operated,
17 controlled, and/or manned by Defendant, OCEANGATE INC and one or more Defendants.

18 **8.4** The death of Paul-Henri Louis Emile Nargeolet was caused by Defendants' breach of the
19 absolute duty to furnish a seaworthy vessel.

20 **8.5** At all relevant times, Defendants owed a duty to furnish a vessel that was seaworthy in all
21 respects with reasonably safe equipment and gear.

22 **8.6** On or about June 18, 2023, dangerous and unseaworthy conditions existed aboard the
23 submersible vessel TITAN. As a result, Decedent Nargeolet sustained catastrophic injuries and
24 death.

1 **8.7** Defendants failed to take reasonable and necessary steps to ensure the safety of the
2 vessel's crew. On or about June 18, 2023, the submersible vessel TITAN was unseaworthy in the
3 following particulars:

- 4 a. The vessel was functionally incapable of performing its intended use in a safe
5 manner;
- 6 b. The vessel lacked proper safety systems to protect crewmembers;
- 7 c. The vessel lacked proper dive monitoring equipment onboard to protect
8 crewmembers;
- 9 d. The vessel was defectively designed in a manner that was unreasonable in
10 accordance with its intended use,
- 11 e. The vessel was defectively manufactured in a manner that was unreasonable in
12 accordance with its intended use,
- 13 f. The vessel lacked proper safety equipment for conducting deep water exploration
14 of the Titanic wreckage,
- 15 g. The vessel was outfitted with unfit components as they were incapable of
16 withstanding operational exposures associated with the intended use of the
17 vessel; and,
- 18 h. Other unseaworthy conditions as proven at time of trial.

19 **8.8** These breaches of duty proximately contributed, in whole or in part, to cause the death of
20 Decedent Nargeolet, which resulted in injury and damages to his beneficiaries, and for which
21 Defendants are liable to the Plaintiff in damages.

22 **IX. FOURTH CAUSE OF ACTION FOR PRODUCTS LIABILITY**

23 **9.1** Plaintiff re-avers and re-alleges each and every allegation of fact and law contained
24 herein as if re-pled in their entirety.

25 **9.2** Plaintiff maintains this cause of action against Defendants, jointly and severally, under the
26 General Maritime Law of the United States and/or the Washington Product Liability Act.

1 **9.3** To varying degrees, Defendants designed, assembled, built, manufactured, distributed
2 and/or produced the submersible vessel TITAN. Defendants, as manufacturers, designers,
3 assemblers, builders, or distributors of the submersible vessel TITAN, owed to Decedent
4 Nargeolet duties of care to supply a safe and non-defective submersible vessel to all foreseeable
5 end users, including a duty to exercise reasonable care in product manufacture.

6 **9.4** The subject vessel was unreasonably dangerous in the following ways:

- 7 a. In construction or composition because the carbon fiber hull was not properly
8 tested for integrity;
- 9 b. In failing to heed countless warnings about the flaws of the vessel's design
10 and manufacturing processes and instead choosing to assemble and
11 manufacture the vessel in its final iteration
- 12 c. In design and implementation of hull stress acoustic monitoring system;
- 13 d. In design and implementation of the viewport which was not rated for the
14 intended operational depth of the vessel;
- 15 e. The failure to implement reasonable testing to components prior to assembly;
- 16 f. The failure to provide adequate warning of the potentially dangerous
17 characteristic created by the design and manufacturing flaws; and,
- 18 g. In other manners to be proven at the time of trial.

19 **9.5** The subject vessel suffered from a multitude of defects in design, specifically the decision
20 to construct the vessel's hull entirely out of carbon fiber, the design and implementation of an
21 inadequate and ineffective hull stress monitoring system, and the design and utilization of the
22 vessel's viewport with a depth rating less than twenty percent of depth required to reach the
23 *Titanic* wreckage.

24 **9.6** These design defects caused the vessel's hull to fail after being exposed to the extreme
25 pressures experienced when diving to the depths of the wreckage of the *Titanic*. This resulted in
26

1 the vessel's implosion on June 18, 2023, which is the legal, direct, and proximate cause of the
2 death of Decedent Nargeolet.

3 **9.7** The vessel was in an unreasonably dangerous condition, as a result of the carbon fiber
4 hull, hull acoustic monitoring system, and/or the vessel's viewport, when it left the control of one
5 or more of the Defendants.

6 **9.8** The subject vessel suffered from a defect in manufacturing, specifically the lamination
7 and curing of the carbon fiber hull. This caused the hull to fail after being exposed to the extreme
8 pressures faced by the vessel as it dove to wreckage of the Titanic.

9 **9.9** The death of Decedent Nargeolet on June 18, 2023 was without fault on his part, and was
10 caused by a defect in the design, composition, or manufacture of the submersible vessel TITAN,
11 and these conditions existed at the time the vessel left its manufacturer's control and/or resulted
12 from a reasonably anticipated alteration or modification of the vessel.

13 **9.10** The condition of the submersible vessel TITAN (i.e., the hull's carbon fiber design, hull
14 monitoring system, viewport, and the lamination and curing of the vessel's carbon fiber hull)
15 made the vessel unreasonably dangerous to normal use.

16 **9.11** By reason of the foregoing and as a legal result thereof, Decedent Nargeolet suffered
17 catastrophic injuries that resulted in his untimely death. These injuries and his death occurred as
18 a result of the negligence of one or more Defendants, their agents, servants, and/or employees,
19 acting in course and scope of their employment or agency.

20 **X. FIFTH CAUSE OF ACTION FOR WRONGFUL DEATH UNDER**
21 **WASHINGTON STATE LAW**

22 **10.1** Plaintiff re-avers and re-alleges each and every allegation of fact and law contained herein
23 as if re-pled in their entirety.

24 **10.2** Plaintiff brings this claim for wrongful death against Defendants, jointly and severally,
25 under Washington Revised Code RCW § 4.20.020.
26

1 **10.3** At all relevant times, Defendants owed a duty to exercise ordinary care to prevent
2 foreseeable injury.

3 **10.4** As a result of the wrongful acts and negligence of one or more Defendants, Decedent
4 Nargeolet suffered catastrophic injury and death due to the vessel's implosion on or about June
5 18, 2023. The death of Decedent Nargeolet caused injury and damages to his surviving
6 beneficiaries.

7 **10.5** The breaches of duty alleged herein on the part of one or more Defendants proximately
8 contributed, in whole or in part, to cause the loss of life of Decedent Nargeolet, for which
9 Defendants are jointly and severally liable to Plaintiff in damages.

10 **10.6** Some or all of the wrongful acts and negligence of said Defendants, as plead herein,
11 including the failure to take corrective action after numerous design and manufacturing flaws
12 were identified, the failure to protect those onboard the vessel, the misrepresentation of the
13 vessel's operational capabilities and safeness, and the lack of attention to safety in designing,
14 manufacturing, and operating the vessel, constitute gross negligence.

15 **10.7** One or more Defendants were aware of the prior issues with the submersible vessel
16 TITAN before June 18, 2023. Despite prior awareness of the vessel's design and manufacturing
17 flaws, and the well-known risk of serious injury and death that can result from diving to the
18 extreme depths needed to operate at the depth of the Titanic wreckage, Defendants failed to take
19 adequate corrective action to protect or warn others.

20 **10.8** Because the wrongful acts and negligence of Defendants, constitutes gross negligence,
21 Plaintiff is entitled to recover both economic and noneconomic damages from said Defendants,
22 pursuant to Washington Revised Code RCW § 4.20.020.

23 **XI. SIXTH CAUSE OF ACTION FOR PRE-DEATH PAIN AND SUFFERING AND**
24 **MENTAL ANGUISH**

25 **11.1** Plaintiff re-avers and re-alleges each and every allegation of fact and law contained herein
26 as if re-pled in their entirety.

1 **11.2** Plaintiff brings this survival action against Defendants for the pre-death pain and suffering
2 of Decedent Nargeolet under the Jones Act, 46 U.S.C. § 30104 et seq., and/or Washington State
3 Law.

4 **11.3** Prior to his violent death, Paul-Henri Louis Emile Nargeolet sustained conscious pre-
5 death pain and suffering as a result of the negligence of one or more Defendants.
6

7 **XII. DAMAGES**

8 **12.1** Plaintiff re-avers and re-alleges each and every allegation of fact and law contained herein
9 as if re-pled in their entirety.

10 **12.2** The death of Paul-Henri Louis Emile Nargeolet was a direct and proximate result of the
11 occurrence alleged herein. By reason of the foregoing, Plaintiff, as Administrator CTA of the
12 Estate of Paul-Henri Louis Emile Nargeolet, comes now and sues.

13 **12.3** Plaintiff maintains this suit for the benefit of the beneficiaries allowed to recover for the
14 wrongful death of Paul-Henri Louis Emile Nargeolet under the Jones Act, 46 U.S.C. § 30104 et
15 seq., the General Maritime Law of the United States, and Washington state law.

16 **12.4** Plaintiff, as Administrator CTA of the Estate of Paul-Henri Louis Emile Nargeolet, would
17 show that the beneficiaries of Paul-Henri Louis Emile Nargeolet have suffered a loss of support,
18 both financial and emotional. The beneficiaries have suffered enormous mental anguish, loss of
19 financial support, and loss of inheritance. Plaintiff would also show that Decedent's children
20 have suffered a loss of parental consortium, companionship, love, affection and household
21 services, and in a reasonable probability will suffer a loss of parental consortium, companionship,
22 love, affection, and household services into the future. Plaintiff would also show that Decedent's
23 widow has suffered a loss of consortium, companionship, love, affection and household services,
24 and in a reasonable probability will suffer a loss of these into the future.

25 **12.5** Plaintiff, as Administrator CTA of the Estate of Paul-Henri Louis Emile Nargeolet, makes
26 a claim on behalf of the proper beneficiaries for all damages available under the Jones Act, 46

1 U.S.C. § 30104 et seq., the General Maritime Law of the United States, and Washington state
2 law.

3 **12.6** Defendants, OCEANGATE INC., THE ESTATE OF R.S. RUSH III, TONY NISSEN,
4 GUILLERMO SOHNLEIN, ELECTROIMPACT INC., JANICKI INDUSTRIES, INC.,
5 HYDROSPACE GROUP, INC., are jointly and severally liable to the Plaintiff, who brings this
6 suit for the benefit of all beneficiaries allowed to recover by law, for the following damages
7 resulting from the death of Paul-Henri Louis Emile Nargeolet:

- 8 a. Loss of support, financial and otherwise;
- 9 b. Loss of services;
- 10 c. Loss of nurture, guidance, care, and instruction for the Decedent's children;
- 11 d. Loss of inheritance;
- 12 e. Mental pain and anguish;
- 13 f. Funeral and/or burial expenses;
- 14 g. Non-economic damages for the gross negligence of Defendants as allowed by law;
- 15 h. Paul-Henri Louis Emile Nargeolet' s pre-death pain and suffering and fear of
16 impending death;
- 17 i. Punitive damages for the gross negligence of one or more Defendants to the extent
18 allowed by law; and,
- 19 j. All other damages recoverable by law.

20 **12.7** All said injuries and damages in an extent, not now precisely known, are in excess of
21 \$50,000,000.00.

22 **XIII. JURY DEMAND**

23 **13.1** Plaintiff RICHARD ORTOLI, as Administrator CTA of the Estate of Paul-Henri Louis
24 Emile Nargeolet, requests a trial by jury on all issues raised herein.

1 **XIV. PRAYER**

2 **14.1** WHEREFORE, RICHARD ORTOLI, as Administrator CTA of the Estate of Paul-Henri
3 Louis Emile Nargeolet, prays for the following relief:

- 4 a. Actual damages and costs incurred herein;
- 5 b. Pre-judgment interest at the maximum rate allowed by law;
- 6 c. Post-judgment interest at the maximum rate allowed by law; and,
- 7 d. Any further relief to which Plaintiff may be justly entitled.
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1 Dated: August 6, 2024

SCHECHTER, SHAFFER
& HARRIS, L.L.P.

2
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