

**STEADMAN
v. MENKE**

On March 11, 1994, Tim Steadman, age 23, drowned while learning to scuba dive on a reef just off the Breakers Hotel in Palm Beach County. Tim joined several other students at the Kissimmee Pro Dive Shop in Kissimmee, and the group traveled to West Palm Beach for their dive. Tim intended to complete the first two of four dives he would need to earn his Open Water dive certification. Ronald Menke, owner and operator of Kissimmee Pro Dive, was his instructor. After arriving in West Palm Beach and boarding the dive boat, Tim and five other students in his group divided into pairs, or "buddies." Since Tim was the only diver who had not yet completed any of his open water dives, Ron Menke assigned himself as Tim's dive buddy. Mr. Menke was the only instructor for the six students that included Tim.

Once in the water, Mr. Menke separated himself from Tim as the divers in the group began to make their descent. Mr. Menke neglected his buddy and drifted between other divers in the group. Unfortunately, while Mr. Menke concentrated on the other divers in the group, Tim was in distress on the surface, signaling to the boat captain for help. The captain maneuvered the boat toward him and sent a crew member into the water in an attempt to rescue him. However, the crew member could not get there in time and Tim sank to the ocean floor. His body was recovered approximately two hours later.

After Tim's body was recovered, the equipment was seized by investigating authorities. Testing of the buoyancy compensator (BC) performed at the medical examiner's office revealed that the BC was not operable. An O-ring was missing that prevented the BC from holding air. The BC, a rental, had been provided to Tim by Mr. Menke at the dive shop back in Kissimmee.

Tim Steadman was born in Emporia, Kansas, and he was on his way to earning a bachelor's degree in Business Administration at Emporia State University. He was one semester away from earning his degree, and was half way through a semester job at Disney World on a work study program. Tim is survived by his parents, Harold and Shirley Steadman, as well as two brothers and a sister.

The defendants continued to deny responsibility for Tim Steadman's death for over two years of litigation. After defendants' expert had to admit negligence on the part of the dive instructor, a mediation was set where the case was settled for \$1,000,000 in October, 1996. Attorney Bill Norton handled the case, and he has continued to press for an investigation of the incident by the organizations that certify the dive instructor, Mr. Menke, to teach students. It is his intent, and the family's wish, to have Mr. Menke's dive instruction certification revoked so that he may no longer instruct scuba diving students seeking Open Water and other certifications. As a firm, and in conjunction with this case, we are continuing to draw attention to the fact that there is little, if any, regulation within the scuba diving industry. ■