

United States District Court

Simon/Simone Hume  
Plaintiff )  
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 )  
v. ) NO. HMC-10-03  
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Virga Inc. )  
Defendant )

**Summary of Facts Stipulated**

On June 26, 2009, the luxury cruise ship *Sapphire* – operated by the Houston, Texas based company Virga, Incorporated (Virga, Inc.)– nearly capsized while on its maiden voyage after possibly navigating too close to the site of the undersea fault line between the North American and Caribbean tectonic plates. The site had been experiencing sporadic submarine volcanic eruptions throughout the week of June 21, 2009 and experienced some eruptions on June 26, 2009.

As the cruise ship *Sapphire* slowly circled the outer perimeter of the submarine volcano so that the passengers could observe the eruption, a cloud of vapor and ash engulfed the cruise ship causing an intense vibration lasting about one minute. Other than the overturning of furniture and appliances, and the sullyng of the hull of the ship, no damage was done to the ship as a result of the vibration, which was caused by the sudden onset of the vapor and ash cloud disrupting the water and air pressure. The ship was inside the “volcano risk zone” when the ship was engulfed by the cloud.

Sometime around when the vapor and ash cloud engulfed *Sapphire*, passenger Drew Sawyer went overboard and drowned in the Caribbean Sea. With the exception of Drew Sawyer, who was possibly killed as a result of the cloud, no one else on board *Sapphire* was seriously injured or killed by the effects of the volcano. The widower/widow of Drew Sawyer, Simon/Simone Hume, filed a wrongful death suit against Virga, Inc. on August 8, 2009.

The President and Chief Executive Officer of Virga, Inc. is Nicolas/Nicole Rousseau. The General Counsel of Virga, Inc. is Reese Rawls. Virga has been in operation since 1955 and has reported an annual profit of between \$10 mil-

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lion and \$20 million each year since 1998. This is the first wrongful death suit Virga, Inc. has faced in its history.

On June 25, 2009, Drew Sawyer updated his/her last will and testament with the help of attorney Reese Rawls. The signature of Drew Sawyer on the will is authentic. Reese Rawls did review, initial, and order a disposition of Virga, Inc. incident report 09-123987.

### **Complaint by the Plaintiff**

The Plaintiff alleges the following complaint:

Nicolas/Nicole Rousseau, in Nicolas/Nicole Rousseau's capacity as President and Chief Executive Officer of Virga, Inc., violated Chapter 71 of the Texas Civil Practice and Remedies code when, as proprietor, owner, charterer, or hirer of an industrial or public utility plant or of a railroad, street railway, steamboat, stagecoach, or other vehicle used for the transportation of goods or passengers, an injury resulting in the death of Drew Sawyer was caused by his or her agent's or servant's wrongful act, neglect, carelessness, unskillfulness, or default. Virga, Inc.'s decision to navigate cruise ship *Sapphire* directly into the path of a submarine volcanic eruption qualifies as a wrongful act, neglect, carelessness, unskillfulness, or default. Said wrongful act, neglect, carelessness, unskillfulness, or default caused the death of Drew Sawyer, spouse of the plaintiff.

### **Answer by the Defendant**

The defendant submits the following answer to the complaint:

Nicolas/Nicole Rousseau, in Nicolas/Nicole Rousseau's capacity as President and Chief Executive Officer of Virga, Inc., did not violate Chapter 71 of the Texas Civil Practice and Remedies code when Nicolas/Nicole Rousseau authorized cruise ship *Sapphire* to observe a submarine volcanic eruption from a geologically safe distance. Virga, Inc. took all proper precaution, and the engulfing of cruise ship *Sapphire* by a vapor and ash cloud was scientifically anomalous. Furthermore, as recognized in both federal and Texas law, it is an absolute defense to a civil action for damages for personal injury or death that the plaintiff was attempting to commit suicide at the time the cause of action arose. Nicolas/Nicole Rousseau asserts that Drew Sawyer not only was attempting to commit suicide around the time the cause of action arose, but also attempted to commit suicide by jumping overboard minutes before the vapor and ash cloud even engulfed *Sapphire*.

### **Applicable Texas Law**

*Texas Civil Practice & Remedies Code*

§ 71.001. Definitions.

In this subchapter:

- (1) "Corporation" means a municipal, private, public, or quasi-public corporation other than a county, common, or independent school district.
- (2) "Person" means an individual, association of individuals, joint-stock company, or corporation, or a trustee or receiver of an individual, association of individuals, joint-stock company, or corporation.
- (3) "Death" includes, for an individual who is an unborn child, the failure

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to be born alive.

(4) "Individual" includes an unborn child at every stage of gestation from fertilization until birth.

§ 71.002. Cause of Action.

(a) An action for actual damages arising from an injury that causes an individual's death may be brought if liability exists under this section.

(b) A person is liable for damages arising from an injury that causes an individual's death if the injury was caused by the person's or his agent's or servant's wrongful act, neglect, carelessness, unskillfulness, or default.

(c) A person is liable for damages arising from an injury that causes an individual's death if:

(1) the person is a proprietor, owner, charterer, or hirer of an industrial or public utility plant, or of a railroad, street railway, steamboat, stagecoach, or other vehicle used for the transportation of goods or passengers; and

(2) the injury was caused by the person's or his agent's or servant's wrongful act, neglect, carelessness, unskillfulness, or default.

§ 71.031. Act or omission out of state.

(a) An action for damages for the death or personal injury of a citizen of this state, of the United States, or of a foreign country may be enforced in the courts of this state, although the wrongful act, neglect, or default causing the death or injury takes place in a foreign state or country, if:

(1) a law of the foreign state or country or of this state gives a right to maintain an action for damages for the death or injury;

(2) the action is begun in this state within the time provided by the laws of this state for beginning the action;

(3) for a resident of a foreign state or country, the action is begun in this state within the time provided by the laws of the foreign state or country in which the wrongful act, neglect, or default took place; and

(4) in the case of a citizen of a foreign country, the country has equal treaty rights with the United States on behalf of its citizens.

(b) Except as provided by Subsection (a), all matters pertaining to procedure in the prosecution or maintenance of the action in the courts of this state are governed by the law of this state.

(c) The court shall apply the rules of substantive law that are appropriate under the facts of the case.

§ 93.001. Assumption of risk: affirmative defense.

(a) It is an affirmative defense to a civil action for damages for personal injury or death that the plaintiff, at the time the cause of action arose, was:

(1) committing a felony, for which the plaintiff has been finally convicted, that was the sole cause of the damages sustained by the plaintiff; or

(2) committing or attempting to commit suicide, and the plaintiff's conduct in committing or attempting to commit suicide was the sole cause of the damages sustained; provided, however, if the suicide or attempted suicide was caused in whole or in part by a failure on the part of any defendant to comply with an applicable legal standard, then such suicide or attempted suicide shall not be a defense.

(b) This section does not apply in any action brought by an employee, or the surviving beneficiaries of an employee, under the Workers' Compensation Law of Texas, or in an action against an insurer based on a contract of insurance, a statute, or common law.

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(c) In an action to which this section applies, this section shall prevail over any other law.

### Applicable Federal Case Law

*Moragne v. States Marine Line, Inc.*, 398 U.S. 406 (1970)

A cause of action for wrongful deaths occurring on the seas passes constitutional muster.

*Yamaha Motor Corp. v. Calhoun*, 516 U.S. 199 (1996)

Damages in Moragne-type wrongful death actions brought for the death of a "non-seafarer," that is, someone who was neither a seaman covered by the Jones Act nor a longshore worker, are subject to the application of state law.

### Applicable Texas Case Law

*Hillman-Kelley v. Pittman*, 489 S.W.2d 689 (1972)

In order for an assumption of the risk defense to be supported, it must be proven that the injured person actually knew of the danger. Whether an injured person actually knew of the danger is peculiarly within the province of the jury.

*Sanchez v. Schindler*, 651 S.W.2d 249 (1983)

A plaintiff may recover damages in a wrongful death suit for loss of companionship and society. Companionship and society shall be defined as "the positive benefits flowing from the love, comfort, companionship, and society the named plaintiff would, in reasonable probability, experience if the decedent lived." A plaintiff may also recover damages in a wrongful death suit for mental anguish. Mental anguish shall be defined as "the emotional pain, torment, and suffering that the named plaintiff would, in reasonable probability, experience from the death of a family member."

### Post Summation Instructions to the Jury

Simon/Simone Hume has filed a civil suit against the defendant, Virga, Inc., for the offense of wrongful death. The plaintiff has the burden of proof in this case. The plaintiff must prove his/her version of the facts by a preponderance of the evidence. A "preponderance of the evidence" is not proof beyond a reasonable doubt. It is just enough evidence to make it more likely than not that the defendant committed those actions alleged by the plaintiff, and that those actions constitute a breach of the law. This is less evidence than is needed to prove something beyond a reasonable doubt. The plaintiff must prove by a preponderance of the evidence that the defendant violated the regulations set forth in Texas Civil Practice and Remedies Code Section 71 concerning wrongful death and that the plaintiff is therefore entitled to appropriate relief as described in Section 41.

I am mandated by Texas law to give to you certain instructions specific to both the offense of wrongful death as well as remedies to it. I will first instruct you on the relevant wrongful death law.

A wrongful death occurs when an individual dies as a result of an injury sustained due to another person's wrongful act, neglect, carelessness, unskillfulness, or default.

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The facts that the deceased was attempting to commit suicide and the defendant did nothing to encourage, provoke, or instigate that suicide attempt during the incident on which an action for wrongful death is based is a defense to the action.

Having provided to you the required definitions, I will now outline to you what must be proven for you to make a determination of the defendant's liability.

In order for you to find the defendant liable for this action, the plaintiff is required to prove, from all the evidence in the case, by a preponderance of the evidence, each of the following five elements:

1. That on or about June 26, 2009, the death of Drew Sawyer was caused in whole or in part, by the conduct of the defendant, Virga, Inc.
2. That on or about June 26, 2009, the defendant Virga, Inc. was negligent or strictly liable for Drew Sawyer's death.
3. That there is a surviving spouse, children, beneficiaries or dependents of Drew Sawyer.
4. That monetary damages have resulted from Drew Sawyer's death.
5. ]That on or about June 26, 2009 Drew Sawyer did not commit suicide; or, that if Drew Sawyer did commit suicide on or about June 26, 2009, the suicide was caused by the conduct of the defendant, Virga, Inc.

On the other hand, if you find that the plaintiff has not proven by a preponderance of the evidence any one or more of those elements, you must find the defendant not liable. The defendant asserts that it is not liable due to the facts that Virga, Inc. took all proper precautions and that Drew Sawyer committed suicide. You must use the evidence presented in this case and your common sense to determine if Virga, Inc. took all proper precautions and if Drew Sawyer committed suicide. If you find Virga, Inc. was not negligent, or if you find Drew Sawyer committed suicide, then you must find the defendant, Virga, Inc. not liable.

### Witness List

#### Plaintiff:

Simon/Simone Hume  
Stephan/Stephanie Mill  
Carl/Carla Bentham

#### Defense:

Nicolas/Nicole Rousseau  
Reese Rawls  
Jack/Jacky Spinoza

### Note on the Order of the Witnesses

The order of witnesses specified above is random and not binding. Teams should feel free to present witnesses in whatever order they deem best.

### Note on Evidentiary Exhibits

This case includes document evidence. Both prosecution and defense have been allotted four exhibits. In addition, there are four court exhibits that may be used by either party. These exhibits can be found following the 6 witness affidavits. Teams should feel free to present evidence, if they so opt, in any order they deem most rewarding. Teams should also remember that they will have a limited amount of time in which to present their case. As such, it is critical that teams think carefully about which exhibits they will present during the trial.

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### Affidavit of Simon/Simone Hume

Witness for the Plaintiff

My name is Simon/Simone Hume. I am 26 years old. I am unemployed. I attended the City University of New York in New York City but left before graduation.

I met my late spouse Drew Sawyer in the summer of 2007. I worked as a server at a restaurant across the street from one of Drew's car dealerships. Drew came over to the restaurant one day, and I ended up being Drew's server. Drew seemed so sad and down that day. It's just my personality; it's like a natural instinct for me to want to cheer sad people up, so that's just what I did. I made Drew laugh, and Drew took a liking to me. We became fast friends. Drew became a frequent customer of the restaurant.

Despite our age difference (Drew was exactly 29 years older than me; we had the same birthday), Drew and I found ourselves falling in love. It really was like a fairy tale. Throughout the fall of 2007, Drew and I took several romantic trips around the country and to Europe. Drew and I got married on Valentine's Day in 2008. Everything was so perfect.

Well, I shouldn't say *everything* was perfect. Drew announced our plans to get married at a big Thanksgiving Party Drew hosted at Drew's house in November 2007. The second Drew announced our engagement, Drew's so-called friend Reese Rawls began his/her crusade to destroy the love that Drew and I shared. Every chance Reese got, Reese tried to convince Drew not to marry me. Luckily, Drew didn't listen to Reese. Then Reese tried to convince Drew to make me sign a prenuptial agreement. Again, my Drew loved and trusted me too much to sign something like that.

I don't know why Reese hates me so much. I think Reese was just jealous of the beautiful, wonderful relationship Drew and I had. Reese's personal hatred of me continued even after my wedding to Drew – so much so that Drew and I had to start attending marriage counseling because I could feel Reese starting to be successful in tearing Drew and I apart. Drew and I started marriage counseling with Dr. Stephan/Stephanie Mill in the summer of 2008.

Dr. Mill is really a miracle worker. Dr. Mill saved my marriage, which really annoyed Reese to the point where Reese accused me of having an affair with Dr. Mill. How ridiculous! Dr. Mill helped Drew to realize that I was right, that Reese was wrong, and that our marriage could work. Thanks to Dr. Mill, Drew and I had planned on throwing a big anniversary party for our two-year anniversary in 2010, at which we would renew our vows. We announced our plans in May of 2009.

Later that month, Reese invited Drew to attend the maiden voyage of the new Virga cruise ship *Sapphire* from June 21 to June 28, 2009 with Reese and Reese's spouse. Reese specifically did not invite me to attend, but, again, my Drew looked out for me and bought me a ticket.

From the moment we got on the cruise, Drew's mood changed. It was as if Drew knew some terrible accident was going to happen, and Reese constantly spitting that poison about divorcing me in Drew's ears wasn't helping matters. That week, Reese was heavily intoxicated literally every time I saw Reese on the cruise, so the insults hurled at me were particularly harsh.

This whole situation between me, Drew, and Reese blew up on June 26, 2009. *Sapphire* was circling some undersea volcano, watching it erupt. From the beginning, I thought the ship was way too close to the volcano. Anyway, Drew and I were on the left side of the ship with all the other passengers watching the volcano when I got a text message. Drew was holding my phone when the text came in. Drew read the text and then got very angry. I asked Drew what the problem was, and Drew said he/she needed to speak with me imme-

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diately on the other side of the ship. I said okay, and Drew and I went over to the right side of the ship, which was virtually empty since everyone was on the other side watching the eruption.

It was about 3:05 PM when Drew and I arrived to the right side of the ship. We began to argue about the text message. I had no idea what was going on so I grabbed the phone from Drew and read the message. My phone contained a whole extended conversation of romantic text messages between my phone number and, strangely, the phone number of our marriage counselor Dr. Mill. As incredible as this sounds, I am telling the truth when I say I have no idea how those texts got on my phone. I was not having an affair with Dr. Mill, and I have never even texted Dr. Mill about anything before.

To someone who doesn't know Reese the way I know Reese, this may sound crazy, but I think Reese somehow planted those texts on my phone and Dr. Mill's phone. Reese is a very smart person, Ivy League-educated, former district attorney. If anybody knows how to plant evidence and get away with it, it's Reese. I don't know if Reese hacked into my and Dr. Mill's phones, or stole them and then sent those texts, or what, but I do know I am not having an affair, and neither I nor Dr. Mill authored those texts.

At about 3:10 PM, Reese called Drew on Drew's phone and Drew told Reese where we were. At about 3:15 PM, Reese arrived at where we were. As usual for the cruise, Reese was totally drunk when Reese showed up. Reese began insulting me as soon as he/she showed up, and that's when my Drew finally stood up to Reese. Drew told Reese that if Reese could not accept our marriage, then their friendship had to end. Some more words were exchanged. Then, all of a sudden, at about 3:20 PM, the cruise ship became surrounded by a thick ash and vapor cloud and began to shake very violently.

It was like *Sapphire* was experiencing an earthquake. The shaking was so bad that if you weren't holding on to something, you would have been bounced about 6 or 7 feet in the air. Unfortunately, that's what happened to Drew. When the shaking started, Reese and I immediately kneeled down and grabbed the railing. Drew wasn't fast enough. Drew was thrown into the air and just made it over the railing falling into the Caribbean Sea. I wanted to jump in after Drew, but the ash cloud had gotten so thick so fast that visibility had pretty much gone to zero about 10 seconds after Drew went overboard.

The shaking lasted about a minute. After it all cleared, I got on the emergency phone to call for help, but of course the line was busy. After a couple of tries, I finally contacted the emergency dispatcher, but it was too late. I went back over to the railing and I saw Drew's dead body, floating there in the Caribbean Sea.

The *Sapphire* was way too close to that volcano. Virga, Inc.'s negligence killed my Drew. And to make matters worse, after Virga, Inc. killed my Drew, they put Drew's body in the ship's morgue and then didn't even guard it. I heard a rumor that on the night of June 26, 2009, someone broke into the *Sapphire's* morgue and may have tampered with Drew's body. I think someone went in there to remove any evidence from Drew's body that would prove that the *Sapphire* was liable for Drew's death.

The death of my Drew has caused me so much pain. I can't even get out of bed in the morning; I have no reason to. My heart has been devastated and my soul has been bruised. My Drew provided everything for me. Drew was my spouse, my livelihood, my friend, my mentor, my partner, and my confidante. Since Drew's death, I have been having nightmares, panic attacks, and flashbacks. My whole life has been turned upside down because of Virga's negligence. Drew made on average about \$400,000 a year. Drew was such a good business person that his/her car dealerships continued to prosper despite the economic crisis of 2008 and 2009. I have grown accustomed to a

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life style, a paradise my Drew gave me that Virga has taken from me. Drew was a healthy person with at least another 25 years left.

Virga owes me \$10 million for Drew's income (that's \$400,000 times 25 years). I also feel Virga owes \$5 million in pain and suffering. Finally, I think Virga should be forced to pay me \$5 million in punitive damages, given how negligent they were; after all, they steered a ship full of people directly into the path of an exploding volcano, an act of recklessness that killed my Drew.

*Simo. Hume*

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Simo. Hume

Subscribed and sworn to me on this **1<sup>st</sup> of July**, 2009

Julius Briggs, Notary Public

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### Affidavit of Stephan/Stephanie Mill

Witness for the Plaintiff

My name is Stephan/Stephanie Mill. I am 31 years old. I am not married and have no children. I am employed as a licensed psychiatrist. I run my own practice. My practice has been open since 2007. I offer singles counseling, couples counseling, family counseling, psychiatric evaluations, phobia counseling, and several other services. I graduated from Emory in 2000 with a Bachelor's in Psychology. I received my Master's in Psychology in 2002, and my Doctorate in Psychology in 2006 from Duke.

Drew Sawyer and Simon/Simone Hume became patients of mine in July of 2008. They had been married for about 5 months at that time. They indicated to me that they were starting to have trouble in their marriage because one of Drew's friends held some sort of grudge against Simon/Simone. After some preliminary interviews and assessments, I determined that Drew and Simon/Simone were very much in love, and that the marriage had a high probability of success if some simple problems could be resolved.

I discovered that Drew suffered from depression and that Drew's personal physician had prescribed for Drew the depression medication "Ledyxovil." Ledyxovil has the same general side effects as many of the other popular antidepressants: nausea, insomnia, anxiety, restlessness, decreased sex drive, dizziness, weight gain or loss, tremors, sweating, sleepiness, fatigue, dry mouth, diarrhea, constipation, headaches, and suicidal thoughts or tendencies. However, I also discovered that Drew has never experienced any of these side effects. Drew reported to me that he/she started taking the drug in 2007 and had been taking the recommended dosage as scheduled since then. Drew really was a generally happy and jovial person; I perhaps would have had no idea Drew had depression if Drew hadn't told me.

Based on a series of sessions with Drew and Simon/Simone, I concluded that the main threat to the success of their marriage was external rather than internal. Drew's depression wasn't causing the couple any problems, they weren't in any financial trouble, they didn't have any children, and they weren't interested in having children. Internally the marriage was fine. I concluded that this friend of Drew, who I later discovered to be the notorious former gubernatorial candidate Reese Rawls, was the main problem for the couple. Reese didn't support Drew and Simon/Simone's marriage and was very vocal about it. Reese's active opposition to the marriage was causing Drew and Simon considerable stress.

I recommended to Drew and Simon/Simone some ways to talk to Reese, and some ways to deal with external threats to their relationship. After a couple months of practicing those techniques, Drew and Simon/Simone told me things were starting to improve, that Reese was letting up, and that they had begun to plan an extravaganza for their second wedding anniversary in 2010.

Drew and Simon/Simone were so deeply in love, which is why it is really a shame what Virga, Inc. did to their lives. I admit I wasn't on the ship, so I can't say whether the *Sapphire* crew negligently navigated too close to the volcano, but I do know Simon/Simone. Simon/Simone is a very honest person, and if he/she says Virga, Inc. was negligent, then I believe him/her.

Simon/Simone has scheduled emergency private counseling sessions with me because he/she was so heartbroken over the death of Drew. Simon/Simone's anguish is only exacerbated by the fact that this despicable company Virga, Inc. not only negligently killed Drew, but is also lying and saying both that Drew committed suicide, and that Simon/Simone and I are involved in some sort of romantic affair. Both of those allegations are complete nonsense!

In the year I knew Drew, I never observed a single, solitary sign that Drew might be suicidal. Throughout my studies and the time I've spent prac-

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ticing, I've interviewed scores of suicidal people, so I know how to spot a suicidal person when you put one in front of me. I say, unequivocally, that Drew Sawyer was not, I repeat, was not, suicidal. Anyway, Drew had so much to live for: a wonderful and good-looking, new, young spouse in Simon/Simone – who Drew loved very much – a booming successful car dealership business, a beautiful mansion, an amazing car collection, great community ties, a pristine and highly-respected reputation throughout Texas, and the list goes on and on.

I think it's worth saying that, typically, in suicides related to a romantic relationship, the deceased leaves a suicide note. Drew did not leave any type of suicide note, a fact which also led me to believe that Drew didn't commit suicide.

As for this ridiculous assertion that Simon/Simone and I were having some sort of affair, that is completely ludicrous, and I wouldn't even know how to respond to it, except to say that Simon/Simone deeply loved Drew, was committed to Drew mind, body, and soul, and would never cheat on Drew. Even if I was interested in Simon/Simone, which I'm not, but even if I were, Simon/Simone would never be unfaithful to Drew.

I am aware of a romantic text message conversation that occurred between my cell phone and Simon/Simone's cell phone, but I swear neither I nor Simon/Simone knows anything about that. I did not author those text messages. I have no idea how they got on my phone. I am not now, nor have I ever been, involved in any type of romantic relationship, fling, tryst, affair, or whatever you want to call it, with Simone/Simone Hume.

As an expert, and as Drew Sawyer's personal psychiatrist and therapist, it is my opinion that Drew did not commit suicide. Virga, Inc.'s negligence caused Drew's death, and Simon/Simone ought to be compensated for his/her loss. Simon/Simone has been completely devastated by this incident. Simon/Simone has been having nightmares, flashbacks, and panic attacks since the incident. Simone/Simone has also been exhibiting antisocial behavior since the incident, which is highly out of character for him/her. Simon/Simone is also showing signs of developing both clinical depression as well as trauma-induced aquaphobia (an intense fear of large bodies of water), which is common in victims who have tragically lost a loved one due to drowning.

Simon/Simone and Drew had so many wonderful years ahead of them. It is a shame that those years will never come due to Virga, Inc.'s negligence.

*Stepha. Mill*

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Stepha. Mill

Subscribed and sworn to me on this **1<sup>st</sup> of July**, 2009

Julius Briggs, Notary Public

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### Affidavit of Carl/Carla Bentham

Witness for the Plaintiff

My name is Carl/Carla Bentham. I am 37 years old. I am a professor of earth and planetary sciences, with a specialty in volcanoes. I teach at Rice University in Houston, Texas. I am also a consultant for several government agencies, including NASA. In addition, I am a regular contributing writer for *Earth Science* magazine. I am married and have two children ages four and two. I earned my Bachelor's degree in Earth and Planetary Sciences (EPS) from Cornell in 1994. I earned my Master's degree in EPS in 1997 and my Doctorate degree in EPS in 2003 from Columbia University.

We – and when I say “we,” I refer to the scientific community – first became aware of the volcano that almost capsized the Virga, Inc. cruise ship *Sapphire* on June 20, 2009 when it first started showing signs of activity. We dubbed it “volcano W.” We called it “volcano W” because it is the 23<sup>rd</sup> strange geological event we’ve observed since 2006. W, of course, is the 23<sup>rd</sup> letter the English alphabet.

Events A through V have consisted of freak storms, earthquakes, hurricanes, volcanic eruptions, mudslides, avalanches, wildfires, and other natural phenomena. When I say “freak,” I mean to suggest that we were unable to predict these events despite our best forecasting and prediction technology. The first event, Event A, was a wildfire that began on June 6, 2006 and consumed a good deal of northern California.

Volcano W is a submarine volcano located beneath the Caribbean Sea along the fault line in between the North American and Caribbean tectonic plates. The volcano is located approximately at 19.4 degrees latitude, -84.5 degrees longitude. The eruptions that took place the week of June 21, 2009 were W's announcement to the world that it exists. We had no idea there was a volcano there.

Most of Earth's volcanoes are located along the ocean floors. Some of these submarine volcanoes are highly active, while others are dormant. During a submarine volcanic eruption, magma rises to the ocean floor and escapes through fractures and/or fissures in Earth's crust. Usually this magma solidifies as it comes in contact with cold ocean water; however, in either particularly violent eruptions, or particularly shallow water, this magma can rise in liquid form to the sea surface.

Most submarine volcanoes are directly connected with the movements of the Earth's tectonic plates. I should say that the outer crust of the Earth is covered with rigid plates that gradually move over the partially molten interior of our planet. With respect to Volcano W, the North American and Caribbean plates are our actors here.

Now there are three ways in which submarine volcanoes form, all consisting of tectonic plates interacting with each other and with the magma that lies below. The first way is when a tectonic plate slides over a “hot spot” of magma under the seafloor. The second way is when tectonic plates spread apart at mid-ocean ridges, allowing magma to rise from deep within the Earth. Mid-ocean ridges are also called divergent plate boundaries. The movement of plates toward each other, which often forces one plate under the other, in a process called subduction, is the third way submarine volcanoes form. Subduction zones are also called convergent plate boundaries.

Scientists have long been aware of submarine volcanoes, but only recently have their extent and magnitude been realized. Researchers begin studying submarine volcanoes by listening. With the use of precisely deployed underwater hydrophones, numerous small earthquake swarms can be detected, indicating a possible ongoing undersea volcanic eruption.

The eruption's location can be calculated by triangulating among sev-

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eral hydrophones. Scientists then use remotely-operated submersibles to view the site and collect geologic and biologic samples. Equipment can be deployed to monitor seafloor activity. Instruments called rumblemeters constantly monitor seismic activity at the eruption site and track changes in temperature and pressure. Extensometers measure the exact rate and direction of tectonic plate movement at the mid-ocean ridges. None of this equipment I just described was within range of Volcano W prior to June 20, 2009; however, since we became aware of it, we have begun to deposit such equipment in the area. The first installation of equipment to monitor Volcano W occurred June 27, 2009.

Preliminary studies and analyses suggest that a hotspot is responsible for Volcano W, and that the eruption that almost capsized *Sapphire* measured a "5" on the Volcanic Explosivity Index (VEI) – meaning that it was just a smidgen less powerful than the famous eruption of Vesuvius of antiquity. I should say that the maximum VEI rating is 8 which is a mega-colossal explosion, and that devastation caused by submarine volcanic eruptions is almost always minimal relative to their terrestrial [on-land] counterparts of the same VEI rating, since the water tends to absorb most of the shock and debris, as well and causes magma to solidify quicker.

Since the boundary between the North American and Caribbean plates is neither convergent nor divergent, but rather is a transform plate boundary (meaning that the two plates slide alongside each other, rather than move toward or away from each other), the theory that a hotspot is responsible for Volcano W is all the more supported. While transform plate boundaries experience a good deal of earthquake activity, they seldom experience volcanoes. Convergent and divergent boundaries more often experience volcanoes.

Based on aerial observations of the volcano taken June 22, 2009 and June 23, 2009, a panel of government and government-associated scientists published a general advisory on June 24, 2009 to boats and ships in the area that Volcano W is active, may have the potential to be quite powerful, and that if they chose to observe Volcano W, under no circumstances are they to enter the designated danger or risk zones until the volcano has stopped showing activity.

While generally the risk zone of a volcano is safe for observers, we call it the risk zone because, at that distance, though unlikely, it is still possible for debris to touch down within that zone. I have had the opportunity to review the navigation path of the *Sapphire*, and based on the location of the ship and the preliminary measurements taken of the volcano, it is my opinion that the *Sapphire* was engulfed by an ash cloud produced from a side vent, rather than the mouth, of Volcano W.

It is not uncommon for a submarine volcano during an eruption to blast volcanic materials from smaller vents located along the cone outside the mouth of the volcano. These vents are angled diagonally rather than vertically. While volcanic materials blasted from the mouth of a volcano generally have a vertical trajectory, materials blasted from the side vents have a diagonal trajectory, meaning that if the materials reach the sea surface, they will surface farther away from the mouth of the volcano than materials produced by the mouth of the volcano. We scientists take the side vents into consideration when calculating the danger, risk, and safe zones, so that any materials blasted from side vents should surface within the danger zone. Unfortunately, the process hasn't been perfected yet.

The *Sapphire* entered the risk zone and found itself right in the trajectory of one of Volcano W's side vents. In my expert opinion, Virga, Inc. was reckless and exercised gross negligence by putting its passengers in such grave risk of harm by exposing them to the risk zone of Volcano W. We told the *Sapphire* not to enter the risk zone, and it did so anyway. Based on sat-

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ellite photos and witness reports, all of the eruptions of W that occurred that week were very violent. Pumice rafts – a byproduct of certain types of volcanic eruptions – were seen floating a good deal away, which suggests a very powerful volcano. No one should have been in that volcano's risk zone: the volcano was too new, too unstudied, and much too violent based on observations taken earlier that week.

These volcanoes are nothing to take lightly. Since 2006, we have been experiencing a host of strange geological events – not the least of which is the popping of W. Several of my colleagues have gone so far as to predict an extinction level event: they are saying the Lake Toba super-volcano, located on the island of Sumatra in Indonesia, will experience a massive eruption in the year 2012, causing a huge amount of ash to enter the Earth's atmosphere, which will in turn cause a global temperature drop. While I personally think my colleagues are being a bit hyperbolic there, I will endorse their predictions just to emphasize how serious a volcano can be. The *Sapphire* should not have entered that risk zone.

*Car. Bentham*

Car. Bentham

Subscribed and sworn to me on this **1<sup>st</sup> of July, 2009**

Julius Briggs, Notary Public

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### Affidavit of Nicolas/Nicole Rosseau

Witness for the Defense

My name is Nicolas/Nicole Rousseau. I am 47 years old. I am the President and Chief Executive Officer of Virga, Inc.. Virga, Inc. is a luxury cruise line that has been in operation since 1955. My great uncle founded the company. I am married with three children, ages 17, 14, and 12. I received my bachelor's degree in Earth and Planetary Sciences, with a minor in Engineering, from Georgetown in 1984, and my business degree in 1990 from the University of Chicago. Throughout college, I served in the Naval Reserve Officer Training Corps and then served in the US Navy from 1984 through 1988. I have worked for Virga since 1990, when I graduated business school. I became president of Virga in 2006.

On June 21, 2009, Virga's newest, largest, and most luxurious cruise ship the *Sapphire* departed from Galveston, Texas on its maiden voyage – a week-long trip starting at Galveston, cruising to Key West, Cancun, and the Cayman Islands before returning to Galveston. The *Sapphire* was christened on June 20, 2009 at a ceremony attended by several politicians, business leaders, celebrities, and many of the future passengers of the ship's maiden voyage. It was a beautiful ceremony.

The ship departed Galveston on June 21, 2009 right on time, at 2:00 PM. Unfortunately, due to a scheduling mishap, I was unable to attend the cruise. However, many of the company's executives and staff – including Virga General Counsel Reese Rawls – did attend. I made sure that the *Sapphire* had the best crew that money could buy. Our Captain, Captain Eddie Hall, is the best in the business. Captain Hall is a decorated Navy man like myself and is the recipient of numerous industry and service awards. For lack of a better term, Virga "stole" Captain Hall from one of our competitors who happens to be one of the industry's giants. In order to acquire Captain Hall, I paid him double what he was making at the other cruise line.

I put the same amount of work into acquiring the best crew for the *Sapphire* as I did for the ship's captain. Only the best employees of my company were given assignments on the *Sapphire*: every post from chef, to DJ, to doctor, to nurse, to waiter, to host, to engineer, to security went through an intense selection process to be filled. The passengers of the *Sapphire* only deserved the best, so I made sure I gave it to them.

I checked in twice a day with Captain Hall each day of the cruise. By Friday, June 26, 2009, I had become aware of a new submarine volcano that was showing signs of activity. This volcano was in the Caribbean Sea some ways off the western most coast of the Cayman Islands. A light bulb went off in my head. The cherry on top of the delicious ice cream sundae that was the maiden cruise of the *Sapphire* could be the first-hand experience of one of Mother Nature's most beautiful displays: the eruption of a submarine volcano. I checked with Virga's safety personnel as well as several oceanographers unaffiliated with Virga to make sure that it was safe to get close enough to this particular volcano so that any surface magma would be visible.

All of the safety officials with whom I spoke told me that the new volcano would be safe to observe from the risk zone since the preliminary eruptions were very small, and there were no indications that the volcano would become more violent. I viewed some of the preliminary eruptions via satellite, and while they were not particularly small, neither I nor my fellow experts judged the volcano to pose a threat to a ship the size of the *Sapphire*, provided that it stayed out of the danger zone. By all accounts, the risk zone was safe to enter because there didn't seem to be any progression in the size of the eruptions.

According to the schedule, the *Sapphire* was to pass by the volcano site

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at approximately 3:00 PM on Friday, June 26, 2009. I contacted Captain Hall by radio that date at about 12:30 PM to instruct him to do several passes of the volcano so that the passengers could observe the eruptions. I told him to stay in the designated safe zone unless the eruption wasn't particular violent, at which point he would be authorized to enter the outer portion of the risk zone. At no point in time was Captain Hall authorized to enter the danger zone, and at no point in time did *Sapphire* enter the danger zone.

I learned about the freak accident of the volcanic vapor and ash cloud engulfing the *Sapphire* at about 4:00 PM on June 26, 2009. I spoke with Captain Hall, who told me that the ship didn't seem to have sustained any serious damage; that aside from the death of Drew Sawyer, there was no one else with any serious injury; and that the ship was on its way back to the Cayman Islands for an in-depth inspection. I immediately chartered a plane to the Cayman Islands. I met up with Captain Hall and the *Sapphire* in the Cayman Islands on June 27, 2009. Later that day, the *Sapphire* passed its inspection. We departed the Cayman Islands the morning of June 28, 2009 and arrived back in Galveston late that night.

Virga, Inc. did everything it could possibly have done to ensure the safety of its passengers as they observed the submarine eruption. There was no way to predict that the volcano would all of a sudden get that violent. While Virga, Inc. mourns any injury sustained by any one of our passengers on any one of our cruises, Virga, Inc. is not responsible for what happened to Drew Sawyer.

This whole Drew Sawyer incident, excuse the pun, sounds "fishy" to me. There are many reasons why Virga, Inc. is not liable for this person's death, Virga, Inc. took all proper precautions. Out of 1,500 passengers and crew on board, Drew Sawyer was the only person "injured" – allegedly as a result of the ash cloud. Simone/Simone Hume, the petitioner in this case, is a known gold-digger – my General Counsel, who was good friends with Drew Sawyer, has informed me that he/she witnessed Drew's death, and that Drew committed suicide by jumping overboard. And finally, it has been made clear that Drew committed suicide minutes before the ash cloud even presented itself.

Virga, Inc. is not responsible. I hope this frivolous lawsuit is properly dealt with.

*Nicol. Rousseau*

Nicol. Rosseau

Subscribed and sworn to me on this **1<sup>st</sup> of July**, 2009

Julius Briggs, Notary Public

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## HARVARD MODEL CONGRESS 2010

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### Affidavit of Reese Rawls

Witness for the Defense

My name is Reese Rawls. I am 39 years old. I am currently the General Counsel for the cruise line Virga, Inc. I became the General Counsel of Virga in January of 2009. Prior to joining Virga, I served two terms as the District Attorney for Travis County, Texas and even ran for Governor of Texas, unsuccessfully, in 2006 under the Democratic Party's nomination. I was elected to my first term as Travis County DA in 2000 (serving from January 2001 to January 2005) and to my second term in 2004 (serving from January 2005 to January 2009). I received my BA in philosophy from Stanford in 1991 and my JD from Harvard in 1994. I worked as an Assistant District Attorney from the time I graduated law school until 2001, when I began my first term as DA. I decided to leave public life and join the private sector because politics started to take its toll on my family and personal life.

On June 26, 2009, I was on board Virga's jewel of the sea, the cruise ship *Sapphire*. This was *Sapphire's* maiden voyage. On board with me was my spouse. Also on board was my good friend Drew Sawyer, as well as Drew Sawyer's spouse Simon/Simone Hume, who I don't much care for. Drew Sawyer was a successful businessperson and entrepreneur; Drew owned several car dealerships. I owe much of my past electoral success to Drew. Drew campaigned heavily for me and raised and donated tons of money both for my campaign for district attorney and my campaign for governor.

It is a shame how that gold-digger Simon/Simone Hume drove Drew to commit suicide. Drew was about thirty years older than Simon/Simone. I heavily protested the marriage, but Drew wouldn't listen. Drew tragically lost his/her first spouse and their only child in a car accident back in 2007. Drew married Simon/Simone on the rebound in early 2008. Though Drew married Simon/Simone without my approval, I stayed friends with Drew. I feel horrible because I was the one who invited Drew to attend the maiden voyage of the cruise ship *Sapphire*. The ship left Texas on June 21, 2009. I noticed Drew seemed upset at the beginning of the trip, and his/her mood remained that way throughout.

On June 24, 2009, I finally decided to ask Drew what was bothering him/her. On June 24, 2009, Drew and I had a long conversation in my cabin, Cabin A505, about how he/she suspected that Simon/Simone was having an affair, how they had been going to marriage counseling and the marriage counselor – Stephan/Stephanie Mill – always took Simon's / Simone's side, how his/her car dealership was at risk of bankruptcy, and how he/she continued to feel guilty about the car accident which caused the death of Drew's first spouse and college-aged child. Drew and I talked from about 9:00 PM to 11:00 PM. I should say that Simon/Simone was nowhere to be found when Drew and I were having this conversation.

On June 25, 2009, Drew asked if he/she could come over to my cabin for a little while. Drew indicated that it was an emergency. Drew arrived at my cabin at about 10:00 PM. When Drew arrived, Drew asked me my opinion of Drew filing for divorce against Simon/Simone. This made me very happy until I realized how tight of a spot Drew was in. Back when Drew married Simon/Simone, I urged – I mean I seriously urged – Drew to get a prenuptial agreement so that in the event that the marriage failed, that snake Simon/Simone wouldn't get half of Drew's fortune. Unfortunately, Simon/Simone convinced Drew not to get a prenuptial agreement. I had to be truthful with Drew; divorcing a gold-digger like Simon/Simone without a prenuptial agreement would be Drew's financial ruin.

Drew then asked me to change his/her will so that it explicitly excluded Simon/Simone from getting even a cent of Drew's estate. While this

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was a way to prevent Simon/Simone from getting Drew's money, unfortunately, for this little plan to work, Drew would have to die. I told Drew I wanted no part of this and explained to him/her that I would personally represent him/her in his/her divorce proceedings, but Drew urged me to change his/her will. Texas is what is called a "community property" state, meaning that without a prenuptial agreement, a divorce usually ends in the marital assets being split down the middle – even when one spouse is substantially wealthier and more successful than the other. However, despite the community property laws, in Texas one spouse can will that upon his/her death the other spouse gets nothing of his/her personal fortune. Drew begged me to change the will, so I finally did it. I had no idea at that time that Drew was seriously going to commit suicide to prevent Simon/Simone the snake from getting Drew's money. I was with Drew that day talking and working on Drew's will from 10:00 PM until midnight.

On June 26, 2009, the day of the incident, at about 1:00 PM, the captain of the *Sapphire* used the public address system to alert all the passengers that the ship would be nearing a submarine volcano that had been showing activity all week around 3:00 PM. The captain was going to circle the submarine volcano from a safe distance so that the passengers could observe the beauty of the eruption from the portside (that's a nautical term for the left side of the ship, from the perspective of someone who's standing on the ship facing forward) of the ship.

Drew was going to meet me at a certain spot at 2:30 PM in order to watch the volcano. When Drew didn't show by 3:00 PM I called Drew on Drew's cell phone. Drew told me he/she was on the starboard (that's a nautical term for the right side of the ship, from the perspective of someone who's standing on the ship facing forward) side of the ship, arguing with Simon/Simone. Drew asked me to come over quickly. I went over to the other side of the ship and quickly spotted Drew and Simon/Simone. They were literally the only two people on the starboard side of the ship because everyone else by that time was portside watching the volcano.

As I approached the couple, I saw that they were arguing. Drew was holding Simon/Simone's cell phone in his/her hand; they were arguing about a text message conversation Simon/Simone had had with some unknown individual. Drew repeatedly asked Simon/Simone if he/she was having an affair; Simon/Simone finally shouted out, "Yes, I'm having an affair! What are you stupid? You're like a senior citizen! Let's not kid ourselves here – you and I both know the only reason I married you was for your money." I'll never forget that heartbroken look that came across my friend Drew's face. Drew was devastated and began to cry.

Simone/Simone then said, "Oh, what are you going to do, you're going to cry now? You're going to cry like a little baby? You know what, why don't you do us all a favor and kill yourself like you always bluff about doing?" After Simon/Simone said this, this very strange calm came over Drew's face. Drew stopped crying. Drew then said, "Maybe I will." Drew then looked at me and said "Reese, I'm sorry I didn't listen to you. You've been the best friend a person could hope for. Thank you." Reese then climbed the railing and jumped overboard. Drew jumped from the starboard railing of the ship to his/her death in the Caribbean Sea at approximately 3:15 PM. I screamed and screamed for help while Simon/Simone just stood there. Simon/Simone and I stood at the railing and watched Drew drown. I grabbed a life preserver and threw it out to Drew, but Drew wouldn't grab it. The whole time Simon/Simone stood there as if he/she enjoyed it.

At about 3:20 PM, I began to take my shoes off in an attempt to jump in after Drew to save Drew's life. At the exact moment I got both my shoes off, a thick cloud of vapor and ash engulfed the cruise ship, and the whole ship

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began to shake violently for about a minute. The cloud dissipated after about five minutes. At about 3:25 PM, I heard Simon/Simone on the emergency line lying and telling the operator that Drew had been knocked overboard by the shaking. I wanted to shout out that Simon/Simone was lying, but I went into complete shock after having witnessed one of my best friends commit suicide. I couldn't talk. I couldn't think. All I could do was sit there on the floor with my back against the railing. Eventually some crew and emergency medical personnel arrived. Some time later, Drew's body was fished out of the water and stored in the morgue on the *Sapphire*.

It's no secret that I don't like Simon/Simone, but the fact of the matter is that Virga, Inc. is not responsible for Drew's death. Not only did Drew assume the risk by committing suicide, Drew committed suicide a good five minutes before the ship was engulfed by the ash cloud - which it should be added was an ash cloud that Virga, Inc. and the *Sapphire* crew had no way of predicting. Virga, Inc. took all the proper precautions, as *Sapphire* stayed outside of the submarine volcano danger zone. The *Sapphire* getting swallowed by that ash cloud, by all accounts, was anomalous. In any case, Virga, Inc. is not liable for Drew's death. This whole lawsuit is just Simon/Simone the snake's latest attempt at gold-digging.

*Reese Rawls*

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Reese Rawls

Subscribed and sworn to me on this **1<sup>st</sup> of July**, 2009

Julius Briggs, Notary Public

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### Affidavit of Jack/Jacky Spinoza

Witness for the Defense

My name is Jack/Jacky Spinoza. I am 43 years old. I am married with three children ages 12, 10, and 8. I am currently the chief medical examiner for the Harris County, Texas Crime Scene Investigation Office. I received my BS in Physics in 1988 and my Master of Criminal Justice in 1990 from NYU. I received my Master of Forensic Science in 1993 as well as my Doctor of Medicine degree in 1999 from Columbia University. I have been a medical examiner for Harris County since 1999. I was appointed to the post of chief medical examiner in 2007. Throughout my studies and my career, I have conducted hundreds of autopsies.

On June 30, 2009, I performed an autopsy on a resident of Houston, Texas named Drew Sawyer, who, according to records, died by drowning in the Caribbean Sea while on a Virga, Inc. cruise. The cruise was scheduled to occur from June 21, 2009 through June 28, 2009, and the name of the cruise ship was *Sapphire*. According to records, Drew Sawyer's death occurred sometime around 3:20 PM on Friday, June 26, 2009.

From a conversation with the deceased's spouse, Simon/Simone Hume, I ascertained that Drew Sawyer drowned because Drew was knocked overboard after a volcanic vapor and ash cloud engulfed the *Sapphire*, causing the ship to shake violently. Virga, Inc. relayed a different story as to how Drew Sawyer died, indicating that Drew committed suicide by jumping overboard minutes before the cloud presented.

An autopsy was performed, in addition to several other types of investigations, to determine what caused Drew Sawyer to go overboard. I received the cadaver of Drew Sawyer on June 29, 2009. The body, after having been recovered by Virga crew from the Caribbean Sea, was stored in the morgue located on the *Sapphire*. According to records, the body was floating in the water which made recovery easier; the cadaver's floating rather than sinking was made possible by Drew Sawyer's being overweight, which made his/her body just the right density to float in the sea water.

Upon arrival to my office, the body was frozen stiff, which is standard when a passenger dies on a cruise as it prevents the cadaver from emitting a foul odor. When a passenger dies on a cruise, the body is taken to the ship's morgue where it is frozen and guarded under lock and key. Upon receipt, I stored the body overnight, sent Drew Sawyer's clothes to the lab for analysis, and commenced autopsy procedures the following day, June 30, 2009. I should say that freezing the body poses no threat to any evidence that may be present on the cadaver.

The autopsy revealed that Drew Sawyer, except for being overweight, was an otherwise healthy 55-year-old individual. I observed no contusions or bruises anywhere on Drew Sawyer's body. I observed no volcanic materials on Drew Sawyer's skin or in Drew Sawyer's mouth or lungs. Sea water was found in Drew Sawyer's lungs. A blood sample was taken, toxicology was done, and Drew Sawyer's body tested positive for considerable amounts of the depression drug Ledyxovil. Drew Sawyer had consumed more than the recommended dosage of the drug within 72 hours of his/her death. The toxicology report also indicated that Drew Sawyer had significant amounts of chemicals in his/her system, indicating that Drew Sawyer had been drinking alcoholic beverages heavily the night before. Such chemicals are well-known to be byproducts of the breakdown of alcoholic beverages by the body. I feel confident in saying that between the hours of 9 PM on June 25, 2009 and 1 AM on June 26, 2009, Drew Sawyer was heavily intoxicated. Based on the concentration and characteristics of the alcoholic chemicals observed during the toxicology screening, I'd estimate Drew Sawyer's blood alcohol content (BAC) during the afore-

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mentioned hours to have been 0.23.

It is my expert opinion that Drew Sawyer's death was a suicide. I base this opinion on the following facts:

(1) that no volcanic ash or vapors were found in Drew Sawyer's lungs indicates that Drew Sawyer was not exposed to the cloud when it was presented, most probably because Drew Sawyer was already in the water when the cloud emerged. Upon the sudden emergence of a threat, it is basic human instinct to take a sudden gasp of air. Given how sudden the onset of the ash was according to witnesses, if the cloud had caused Drew Sawyer's death, Drew Sawyer would have taken a deep breath, inhaling some of the volcanic materials. There are records that indicate that a great many of the other passengers experienced temporary respiratory difficulties as a result of the cloud. Not even a microscopic sample of volcanic materials was recovered from the deceased's lungs, which indicates to this examiner that the deceased was not exposed to the cloud while alive.

(2) that no volcanic ash or vapors were found on Drew Sawyer's clothing indicates that Drew Sawyer was not exposed to the cloud when it descended, most probably because Drew Sawyer was already in the water when the cloud emerged. Given how thick witnesses report the cloud to have been, if Drew Sawyer was exposed to the cloud, some residue should have been deposited onto the deceased's clothing. This examiner has entertained the possibility that residue deposited could have been washed away after the body went into the water; however, given the adhesive composition of the volcanic ash and dust, as well as the fact that the cadaver was never significantly submerged, it should be expected that at least a microscopic sample of materials would be recovered from the deceased's clothing.

(3) that no contusions or bruises were found on the body of Drew Sawyer is more consistent with the deceased voluntarily diving into the water rather than being violently launched overboard as a result of the ship's shaking, caused by the sudden onset of the volcanic ash and vapor cloud. If the deceased was launched overboard, it is highly probable that he/she would have been banged against the railing or some other object, causing superficial injury. The protective railing at the site of Drew Sawyer's going overboard is 5 feet 0 inches tall. Drew Sawyer was 5 feet 9 inches tall, 215 pounds. It would take a significant jolt to send an individual of Drew Sawyer's build over that railing. Given that no one else was launched overboard and Drew Sawyer sustained no superficial injuries, it is this examiner's opinion that the deceased voluntarily dove into the sea.

(4) that significant amounts of the antidepressant Ledyxovil was found in the deceased's system suggests an increased probability of suicide. Suicidal thoughts and tendencies are a side effect of all drugs designed to combat clinical depression. Given that there are aggravating circumstances in the case of Drew Sawyer, including the tragic death of the deceased's first spouse and child, as well as the possible infidelity of the deceased's second spouse Simon/Simone Hume, suicide is all the more likely.

(5) that Drew Sawyer was hung-over at the time of his/her death, and had been drinking alcoholic beverages heavily the night before suggests an increased probability of suicide. Alcohol tends to exacerbate the side effects of antidepressants.

For these reasons, I feel comfortable ruling Drew Sawyer's death a suicide. However, I would be remiss if I didn't entertain the possibility that

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I am wrong. While it is possible that Drew Sawyer's death occurred just the way Simon/Simone Hume reported it did, based on the evidence, I think it is unlikely that Simon/Simone Hume's account of the death is accurate.

*Jac. Spinoza*

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Jac. Spinoza

Subscribed and sworn to me on this **1<sup>st</sup> of July**, 2009

Julius Briggs, Notary Public

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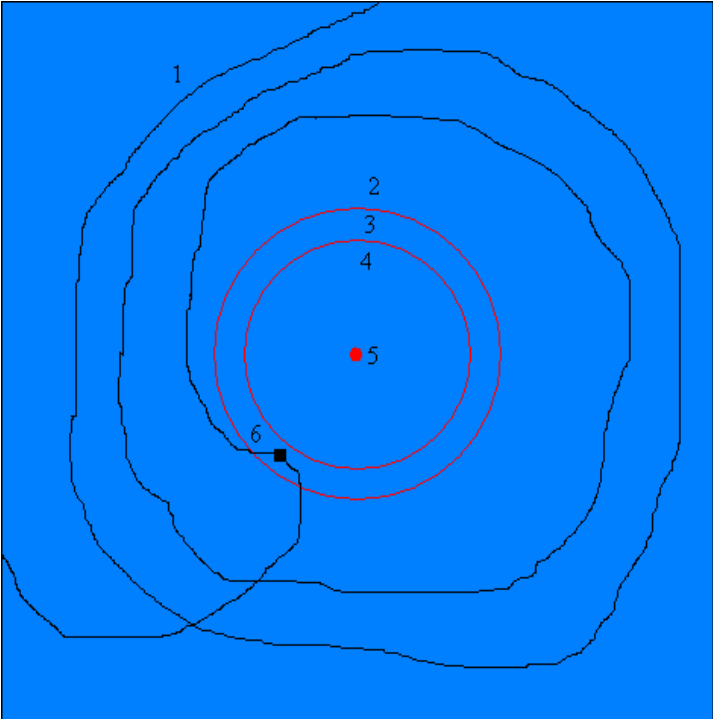
Court Exhibit A

Virga Inc.

Sapphire Cruise Ship Black Box Navigation Path Printout



Visual C-A-1  
 Itinerary of "Sapphire"  
 6/21/09: Depart Galveston  
 6/22/09: Arrive Key West  
 6/23/09: Depart Key West  
 6/24/09: Arrive Cancun  
 6/25/09: Depart Cancun  
 6/25/09: Arrive Cayman Islands  
 6/26/09: Depart Cayman Islands  
 6/26/09: Arrive Cayman Islands  
 6/28/09: Depart Cayman Islands  
 6/28/09: Arrive Galveston  
 \*Red line indicates ship navigation path  
 \*Red dot indicates ship distress site



Visual C-A-2  
 "Sapphire" Navigation Path  
 (Volcano W)  
 1: black line indicates ship navigation path  
 2: safe zone (everything outside circle)  
 3: risk zone  
 4: danger zone  
 5: Volcano W  
 6: ship distress site (ash cloud presents)  
 \*Volcano W located approximately 850 meters below surface of Caribbean Sea at approximately 19.4 degrees latitude, -84.5 degrees longitude  
 \*Red dot indicates Volcano W  
 \*Red circle indicates zone boundary  
 \*Black square indicates ship distress site

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## Court Exhibit B

Virga Inc.

Photos of Select Locations On Cruise Ship *Sapphire*



Photo C-B-1: Starboard Deck Railing  
Site of Drew Sawyer going overboard



Photo C-B-2: Port Side view  
Volcano only visible from  
this side of ship

Photo C-B-3:  
*Sapphire* Cabin A505  
Reese Rawls' cabin  
Virga File Photo



Photo C-B-4:  
*Sapphire* Morgue  
Cadaver of Drew Sawyer stored  
here



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## Court Exhibit C

Images Relating to Volcano W



Photo C-C-1: Eruption of Volcano W.  
Photo taken from risk zone



Photo C-C-2: Eruption of Volcano W.  
Photo taken from safe zone

W

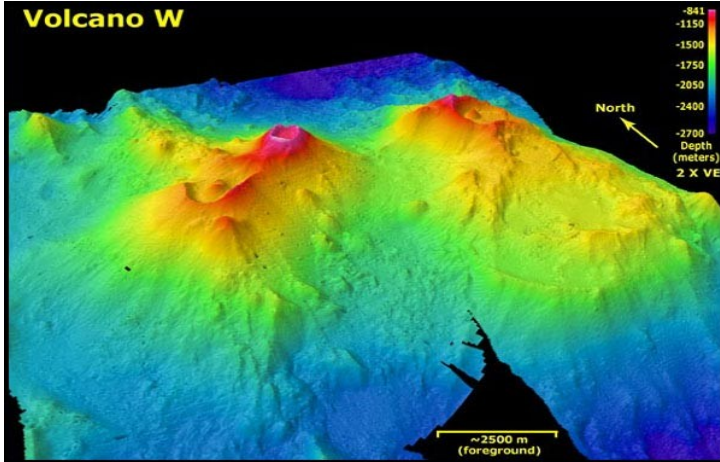


Photo C-C-3:  
Computer image of Volcano

Mouth of Volcano W is  
colored pink

Image Date & Time:  
June 30, 2009, 02:57 PM  
Image Generated By:  
Dr. Carl / Carla Bentham



Photo C-C-4:  
Satellite photo:  
Volcano W

Image of first observed  
eruption which made world  
aware of Volcano W's ex-  
istence

Photo Date & Time:  
June 21, 2009  
06:43 PM  
Photographer:  
NASA

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## Court Exhibit D

Images Relating to Science of a Volcanic Eruption

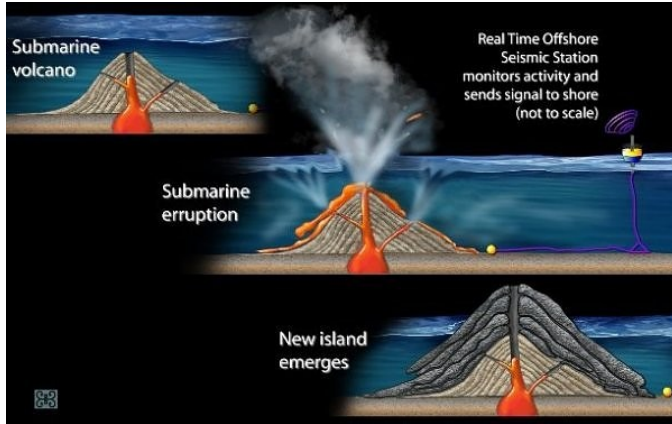


Image C-D-1: Submarine Volcano Island Formation.  
Also shows how submarine volcanoes monitor damage.  
Image Generated By: Dr. C. Bentham

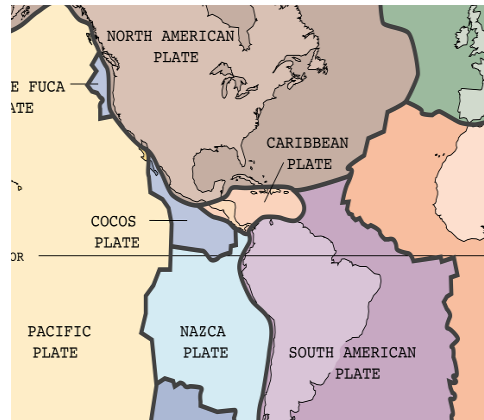


Image C-D-2: Tectonic Plates Caribbean Plate in center  
Generated By: Dr. C. Bentham

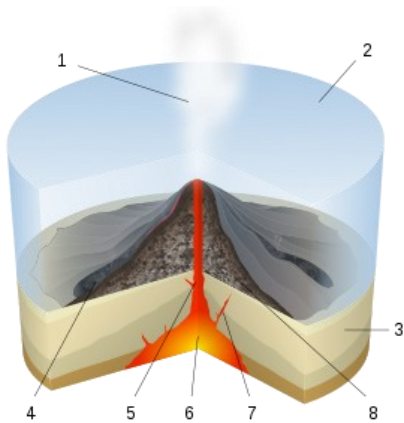


Image C-D-3: Parts of a submarine volcano  
Caption: 1: water vapor cloud  
2: water  
3: stratum  
4: lava flow  
5: magma conduit  
6: magma chamber  
7: dike  
8: pillow lava

Image Generated By: Dr. C. Bentham

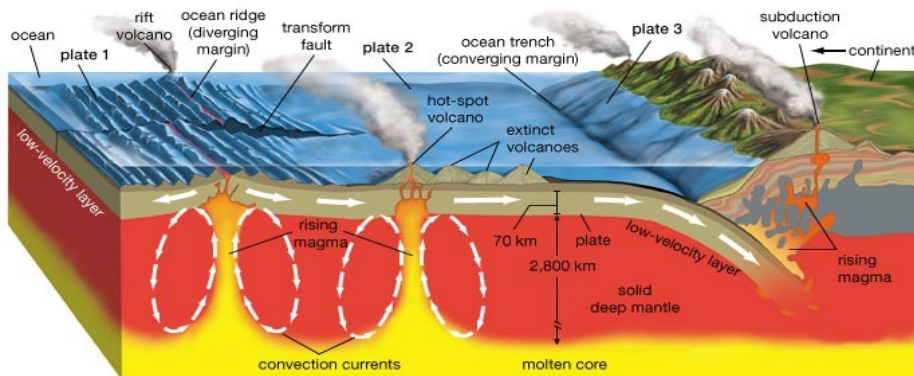


Image C-D-4: Volcanic Activity & Tectonic Plates  
Image Generated

By: Dr. N. Rousseau

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### Plaintiff's Exhibit A

Sapphire Cruise Ship Passenger Emergency Telephone Line  
Automated Transcript Service

Voice 1 (V1): Simon / Simone Hume <emergency phone 23>

Voice 2 (V2): Emergency Operator Austin Singer <Sapphire Control Center>

Simon / Simone Hume called Emergency Operator Austin Singer at 3:26:23 PM on June 26, 2009. Emergency Operator Austin Singer answered the call after one ring.

V2: Sapphire emergency line. Please state your name.

V1: My name is Simon/Simon Hume. Please send help! Send help! Please my ...

V2: Simon/Simone, my computer is indicating you're calling from phone 23 on the right deck of the ship. Is that your present location?

V1: Yes! Yes! That's where I am! Please ...

V2: Simon/Simone, I need you to slow down and take a couple of deep breaths. Have you been injured as a result of the volcano?

V1: No, I. No I don't think so. But my spouse, my spouse Drew was knocked overboard when the volcano hit.

V2: Can you see or hear Drew in the water?

V1: I can't see. I can't see from where I am.

V2: Ok, Simon/Simone. I need you to walk over to the railing and look for Drew in the water. If you see Drew, grab one of the life preservers, the little donut flotation things, and throw it to Drew. Do it now.

V1: Ok. [pause] Oh God! Oh no! Oh no! Drew is... Drew's not! Oh God ...

V2: Simon/Simone! Simon/Simone! I need you to calm down. Tell me what you saw. Take some deep breaths and tell me what you saw.

V1: Drew is just, Drew is just floating there. I called, I called his/her name and Drew didn't respond. I, I, I ...

V2: Did you toss the life preserver?

V1: I did. I did. And Drew didn't touch it. Please! Please send help!

V2: Simon/Simone, I already did. Crew members are on their way to your location. Just hang, just hang on, okay. Now Simon/Simone, I need you to take a good look at yourself, anyone else around you, and the area of the ship you are in. I want you tell me for sure whether you are hurt, whether anyone else is hurt, or if the ship has been damaged. Can you do that for me?

V1: Ok. Hold, hold on a minute . [pause] There's another, there's only one other person here, Reese Rawls, and Reese is fine, he/she is drunk but fine. I'm, I'm fine too. The ship, it looks fine too. Oh wait, wait, the crew, the crew members are coming now. Thank you.

V2: You're welcome. I'm going to hang up now to help some other passengers.

Singer hung up the phone at 3:28:56 PM on June 26, 2009. Hume hung up the phone at 3:28:57 PM on June 26, 2009.

## HARVARD MODEL CONGRESS 2010

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### Plaintiff's Exhibit B

#### Sapphire Cruise Ship Captain's Radio Transmission Line Automated Transcript Service

Nicolas/Nicole Rousseau (V1) initiated radio transmission with the Captain Hall (V2) of the cruise ship *Sapphire* at 1237 hours on June 26, 2009. At time of transmission initiation Nicolas/Nicole Rousseau's signals originated from Virga Inc. headquarters in Houston, Texas and the Captain's signals originated from the cruise ship *Sapphire*, which was docked at the Cayman Islands.

V1: Hall. This is alpha. You read me?

V2: Go ahead.

V1: Your present location is off the coast of the Cayman Islands, correct?

V2: That's correct.

V1: There's a submarine volcano not too far from you. It's been showing activity all week and there's supposed to be some light activity this afternoon.

V2: I'm aware of it. I received the advisory from the government. We've adjusted our route to avoid it.

V1: Avoid it!? No, no, no! I want you to get as close to it as you can.

V2: Excuse me? Come again. It sounded like you said you wanted me to get as close to it as I could?

V1: Well then you heard me correctly. I am aware of the government's warning too, but I think it would be really cool for the passengers to see the volcano. I remember my first submarine volcanic eruption. It was the most beautiful thing I'd ever seen. You remember yours?

V2: I remember mine.

V1: You enjoyed it, didn't you?

V2: I did.

V1: Well don't you think the passengers should get the benefit of such a wonderful experience?

V2: I do. I'm just a little concerned about safety. We hadn't planned this on the itinerary and from what I know this is a new volcano. It doesn't even have a name yet, the government's just calling it "Volcano W." New volcanoes are always unpredictable.

V1: Oh relax. I'm having the GPS coordinates of the volcano sent to you right now. Did you get them?

V2: Yes, yes I see them.

V1: With these types of volcano there's a danger zone, a risk zone, and a safe zone. What I want you to do is just circle the safe zone. If things look safe, if the volcano isn't too violent, I want you to enter the risk zone. Of course under no circumstances are you allowed to enter the danger zone.


V2: I understand. I don't think this is a good idea, though. I mean going into the risk zone.

V1: If the volcano is not threatening, you will go into the risk zone.

That's an order. You can only see lava that makes it to the surface of the water from the risk zone. I want the passengers to see the lava. Just do it if it's doable. Over and out.

# HARVARD MODEL CONGRESS 2010

## Plaintiff's Exhibit C Reese Rawls Credit Card Receipts



**Virga Incorporated**  
The Sapphire Bar & Resto-Lounge


**Manager: Jack Bauer**  
**Bartender: James Bond**  
**ST# 2633 OP# 00002994 TE# 16 TR# 03967QWZ**

Beer	072394722134	3.00 N
Beer	072392649293	3.00 N
Beer	072397351942	3.00 N
Wine	283712487643	10.00 P
Wine	283746293041	10.00 P
	Subtotal	29.00
	Total	29.00
	CCard Tend	29.00


**Account#** XXXXXXXX2579  
**Card Holder** Reese N. Rawls  
**Approval#** 519863  
**Change Due** 0.00

**# Items Sold 5**

TC# 2343 2957 7014 2582 9033



June 24, 2009 10:34:17 PM  
\*\*\*Customer Copy\*\*\*



**Virga Incorporated**  
The Sapphire Bar & Resto-Lounge


**Manager: Jack Bauer**  
**Bartender: James Bond**  
**ST# 2633 OP# 00002994 TE# 16 TR# 03967QWZ**

Beer	072394722134	3.00 N
Beer	072392649293	3.00 N
Beer	072397351942	3.00 N
Wine	283712487643	10.00 P
Wine	283746293041	10.00 P
	Subtotal	29.00
	Total	29.00
	CCard Tend	29.00


**Account#** XXXXXXXX2579  
**Card Holder** Reese N. Rawls  
**Approval#** 472978  
**Change Due** 0.00

**# Items Sold 5**

TC# 2343 2957 7014 2582 9033



June 24, 2009 09:29:52 PM  
\*\*\*Customer Copy\*\*\*



**Virga Incorporated**  
The Sapphire Bar & Resto-Lounge


**Manager: Jack Bauer**  
**Bartender: James Bond**  
**ST# 2633 OP# 00002994 TE# 16 TR# 03967QWZ**

Beer	072394722134	3.00 N
Beer	072392649293	3.00 N
Beer	072397351942	3.00 N
Wine	283712487643	10.00 P
Wine	283746293041	10.00 P
	Subtotal	29.00
	Total	29.00
	CCard Tend	29.00


**Account#** XXXXXXXX2579  
**Card Holder** Reese N. Rawls  
**Approval#** 463920  
**Change Due** 0.00

**# Items Sold 5**

TC# 2343 2957 7014 2582 9033



June 25, 2009 10:26:48 PM  
\*\*\*Customer Copy\*\*\*



**Virga Incorporated**  
The Sapphire Bar & Resto-Lounge


**Manager: Jack Bauer**  
**Bartender: James Bond**  
**ST# 2633 OP# 00002994 TE# 16 TR# 03967QWZ**

Beer	072394722134	3.00 N
Beer	072392649293	3.00 N
Beer	072397351942	3.00 N
Wine	283712487643	10.00 P
Wine	283746293041	10.00 P
	Subtotal	29.00
	Total	29.00
	CCard Tend	29.00


**Account#** XXXXXXXX2579  
**Card Holder** Reese N. Rawls  
**Approval#** 715482  
**Change Due** 0.00

**# Items Sold 5**

TC# 2343 2957 7014 2582 9033



June 26, 2009 02:04:58 PM  
\*\*\*Customer Copy\*\*\*



**Virga Incorporated**  
The Sapphire Bar & Resto-Lounge


**Manager: Jack Bauer**  
**Bartender: James Bond**  
**ST# 2633 OP# 00002994 TE# 16 TR# 03967QWZ**

Beer	072394722134	3.00 N
Beer	072392649293	3.00 N
Beer	072397351942	3.00 N
Wine	283712487643	10.00 P
Wine	283746293041	10.00 P
	Subtotal	29.00
	Total	29.00
	CCard Tend	29.00

**Account#** XXXXXXXX2579  
**Card Holder** Reese N. Rawls  
**Approval#** 907321  
**Change Due** 0.00

**# Items Sold 5**


TC# 2343 2957 7014 2582 9033



June 25, 2009 11:41:03 PM  
\*\*\*Customer Copy\*\*\*

## HARVARD MODEL CONGRESS 2010

### Plaintiff's Exhibit D Incident Report

 <p style="text-align: center;"><b>Virga Incorporated Cruise Ship "Sapphire" Maritime Incident Report</b></p>		
Incident Type: Crime	Incident Number: 09-123987	Report Date/Time: 6/27/09, 0850 hrs.
Incident Date/Time: 6/27/09, ca. 2300 hrs.	Incident Offense: Property damage, trespass	
Victim: Virga Incorporated	Victim Cabin: Not applicable	
Victim Address: 437 Harvard Street, Houston, Texas	Victim Phone: 1-800-GO-VIRGA	
Victim Date of Birth: Not Applicable	Victim Sex: Not Applicable	Victim Race: Not applicable
Suspect: Unknown	Suspect Cabin: Unknown	
Suspect Address: Unknown	Suspect Phone: Unknown	
Suspect Date of Birth: Unknown	Suspect Sex: Unknown	Suspect Race: Unknown
Suspect Height: Unknown	Suspect Weight: Unknown	Suspect Build: Unknown
Suspect Clothing: Unknown		
Suspect Eye Color: Unknown	Suspect Hair Color: Unknown	Suspect Hair Length: Unknown
Suspect Facial Hair: Unknown	Suspect Appearance Oddities: Unknown	
Property Involved: Yes	Property Status: Damaged	
Property Description: Door lock to ship morgue broken		
<p>Narrative: At about 11 o'clock I took a bathroom break from patrolling the medical unit of the ship. I was gone for about 20 minutes. When I returned I discovered that the lock on the door leading to the morgue had been broken and the door was ajar. I went into the morgue to investigate and nothing looked out of place. There was only one body being stored in the morgue at the time, the body of passenger Drew Sawyer. I looked at the body and I couldn't tell whether it had been disturbed. Someone was definitely in there though because the lights were on before I went in; the lights respond to motion.</p>		
Complainant Signature: <i>Storrs Hund</i>	Reporting Security Guard ID Number: 132	SUBMIT TO GENERAL COUNSEL
Reporting Security Guard Signature: <i>Storrs Hund</i>	Initials of General Counsel: <i>RR</i>	
Received by General Counsel (REESE RAWLS) on: 6/29/09		
The General Counsel Orders: this incident not be referred to the police & this report be shredded		

## HARVARD MODEL CONGRESS 2010

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### Defendant's Exhibit A

Transcript of Text Message conversation between Hume and Mill

>From: 713-555-2928 <Stephan/Stephanie Mill>  
>To: 713-555-7298 <Simon/Simone Hume>  
>Date: June 26, 2009, 2:59:29 PM  
>  
>Hi lover. I'm thinking of u! Can't wait 4 u 2 get back. What's new?  
>  
>>From: 713-555-7298 <Simon/Simone Hume>  
>>To: 713-555-2928 <Stephan/Stephanie Mill>  
>>Date: June 25, 2009, 11:51:09 PM  
>>  
>>I'll be counting down the days. I should be alone around 3pm 2morow.  
Goodnight 2 you my luv.  
>>  
>>>From: 713-555-2928 <Stephan/Stephanie Mill>  
>>>To: 713-555-7298 <Simon/Simone Hume>  
>>>Date: June 25, 2009, 11:43:43 PM  
>>>  
>>>Aww baby. We'll get 2gether as soon as u get back. Promise. Had a  
long day at office 2day so I'm pretty tired. Will text u 2morrow-what  
time's a good time to text u when Drew's not around? Remember, we can't  
let Drew find out about us, I think D might hurt self if heartbroken again.  
B careful Goodnite gorgeous.  
>>>  
>>>>From: 713-555-7298 <Simon/Simone Hume>  
>>>>To: 713-555-2928 <Stephan/Stephanie Mill>  
>>>>Date: June 25, 2009, 11:36:24 PM  
>>>>  
>>>>LoL. Well Drew's not around, so yes I am having fun. LoL. I think  
Drew's with Reese. I'd b having more fun if u were here.  
>>>>  
>>>>>From: 713-555-2928 <Stephan / Stephanie Mill>  
>>>>>To: 713-555-7298 <Simon / Simone Hume>  
>>>>>Date: June 25, 2009, 11:29:04 PM  
>>>>>  
>>>>>Hey babe. I'm still up. Miss u 2. Where's the old fart? U having  
fun yet? LoL  
>>>>>  
>>>>>>From: 713-555-7298 <Simon/Simone Hume>  
>>>>>>To: 512-555-2928 <Stephan/Stephanie Mill>  
>>>>>>Date: June 25, 2009, 11:21:16 PM  
>>>>>>  
>>>>>>Hey sexy. I miss u. R u still up?

# HARVARD MODEL CONGRESS 2010

## Defendant's Exhibit B

Last Will and Testament of Drew Sawyer

I, **Drew Sawyer**, a resident of Texas, being of sound and disposing mind and memory and over the age of eighteen (18) years, and not being actuated by any duress, menace, fraud, mistake, intoxication, or undue influence, do hereby make, publish, and declare the following to be my Last Will and Testament, revoking all previous will and codicils made by me.

### I. MARRIAGE AND CHILDREN

I declare that I am married to **Simon/Simone Hume**, and all references in this will to my "spouse" are references to **Simon/Simone Hume**.

I have the following children:

Name: **Jordan Sawyer** Birth Date: **January 17, 1987** Death Date: **March 15, 2007**

### II. EXECUTOR

I appoint my dearest friend **Reese Rawls**, as Executor of my Last Will and Testament. My Executor shall be authorized to carry out all provisions of this Will and pay my just debts, obligations and funeral expenses, except mortgage notes secured by real estate, as soon as practical. Let it be known that my spouse is explicitly disqualified and rejected as Executor of my Will.

### III. BEQUESTS

I will give the persons named below, if he or she survives me, the property described below:

1. Name: **David Sawyer** Relationship: **Brother** Property: **House in Houston, Texas**
  2. Name: **Donna Sawyer** Relationship: **Sister** Property: **House in Miami, Florida**
  3. Name: **Martin Sawyer** Relationship: **Cousin** Property: **Antique Car Collection**
  4. Name: **Maxwell Sawyer** Relationship: **Cousin** Property: **Classic Car Collection**
  5. Name: **Reese Rawls** Relationship: **Friend** Property: **Ownership of Car Business**
- Name: **Harvard U.** Relationship: **Alma Mater** Property: **All funds in bank account**

Let it be known that my spouse is explicitly disqualified and rejected as a recipient of my estate.

### IV. ENDORSEMENT

IN WITNESS WHEREOF, I, **Drew Sawyer**, hereby set my hand to this last Will, making the orders and bequests contained herein official upon my death, on this 25<sup>th</sup> Day of June, in the year 2009.

**Drew Sawyer**

**Drew Sawyer**

### V. WITNESS

The foregoing instrument was signed in my presence by Drew Sawyer, and declared by him/her to be his/her Last Will and Testament. I, at the request and in the presence of Drew Sawyer, have subscribed my name below as witness. I declare that I am of sound mind and of the proper age to witness a will, that to the best of my knowledge the testator is the age of majority, or is otherwise legally competent to make a will, and appears of sound mind and under no undue influence, intoxication, or constraint. Under penalty of perjury I declare these statements are true and correct on this 25<sup>th</sup> day of June, 2009.

**Reese Rawls**

**Reese Rawls**

## HARVARD MODEL CONGRESS 2010

### Defendant's Exhibit C

Harris County Crime Scene Investigation Department  
Office of the Medical Examiner  
Forensic Autopsy Report

#### Deceased Biographical Information:

Last Name	First Name	Middle Name	Date of Birth	Date of Death
Sawyer	Drew	Curlew	04/15/1954	6/26/2009

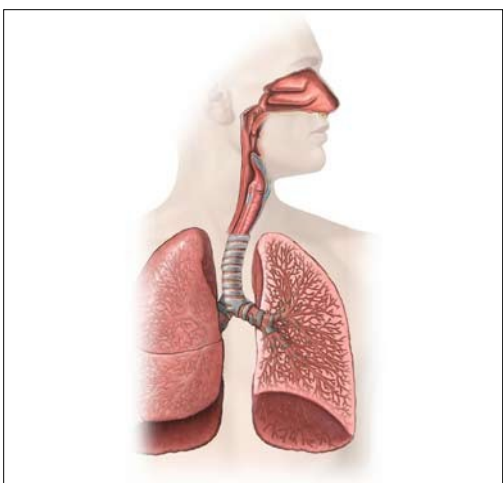
Social Security No.	Residential Address	Residential Zip Code
832-91-4376	13 Monarch Boulevard	77478

#### Cause of Death:

Natural	Accident	Homicide	Suicide	Undetermined
			X	

#### Explanation of Death:

Subject died from suffocation caused by a liquid (water) entering the subject's lungs and preventing the absorption of oxygen leading to cerebral hypoxia and myocardial infarction. Sea water consistent with samples taken from the Caribbean Sea was taken from the subject's lungs. Approximately eight fluid ounces (8 fl. Oz.) of sea water were recovered from the subject's left lung. Approximately six fluid ounces (6 fl. Oz.) of sea water were recovered from the subject's right lung. No internal bleeding observed. No external markings observed. No injuries superficial or otherwise observed. Subject may have been exposed to volcanic materials however no volcanic materials were observed on the subject internally or externally. Toxicology results indicate significant amounts of the prescription antidepressant "Ledyxovil" as well as significant amounts of ethyl alcohol (the type of alcohol found in alcoholic beverages) in the subject's system. Subject was experiencing veisalgia (medical term for "hangover") at time of death. Subject had consumed alcoholic beverages heavily the night before subject's death.



This autopsy report for **Drew Sawyer** was submitted by  
the following Medical Examiner: **J. Spinoza**  
on the following date: **June 30, 2009.**

# UNDERSTANDING VOLCANIC SAFETY ZONES

By: Dr. Carl/Carla Bentham

Published October 28, 2008

## The Risk Zone

The risk zone of a site experiencing volcanic activity is simply the area where it is physically possible given the explosiveness of the volcano for an observer in that area to be impacted by volcanic debris should the explosiveness of the volcano suddenly increase. Whereas the safe zone is the area where there is a 0% chance of an observer being impacted should the volcano become more powerful, the risk zone is the area where there is a greater than 0% chance but less than 100% chance of an observer being impacted should the volcano become more powerful.

The exact percent chance of being impacted by the volcano while in the risk zone depends on many factors including the type of volcano, the terrain surrounding the volcano, the explosiveness of the initial eruption, the explosiveness of the most recent eruption, and the duration of time the volcano has been showing activity. For instance, if one is standing in the risk zone of a terrestrial volcano, observing an early eruption of significant explosiveness, one would be in significant danger, so much so such a scenario would warrant an estimate of the chance of being impacted by volcanic material to be around 80%.

When a volcano experiences a series of eruptions, it usually starts with lower explosiveness, gradually gets more powerful until it reaches its peak explosiveness, and then becomes less and less powerful so that the last few eruptions are about as powerful as the initial ones. With terrestrial volcanoes there are usually no natural obstructions to mitigate the hazard of the debris; this fact combined with the fact that an early powerful eruption is a harbinger for a coming more powerful eruption makes being in the risk zone in such a scenario a huge risk indeed.

On the other hand, if the scenario were such that one was in the risk zone of a submarine volcano, observing a late eruption of even significant explosiveness, the risk would still be quite low warranting only an estimated 4% chance of being affected by volcanic material. Given that the eruption is submarine, the water would absorb most of the shock and debris caused by the eruption. Given that the eruption is late in the series, it is almost impossible for the next eruption to be more powerful than the one being observed since, again, the peak eruption has already occurred meaning that each eruption will be less powerful than the one preceding it.