

Brother and Sister Drown In Unprotected Pool

On the 12th day of June 2001, James Duffin and Lisa Meyer suffered the worst fate that can befall a parent: the drowning deaths of their two children, Tyler, age 5, and 4-year-old Amber.

The facts of this case are simple. Lisa Meyer was asleep with her children in a rented cottage that was on the property of the defendant landlord, Louis Pisani. Next to the cottage was a pool. The doors were locked, but the locks were not the special, self-latching kind necessary to provide pool safety. There was no pool fence or pool alarm. Lisa awoke around 10:30 a.m. The

kids were no longer in bed with her. She saw the open door and raced outside. Both Tyler and Amber were floating in the pool. They were rushed to the hospital, but it was too late. Both had to be taken off of life support.

On October 15, 2003, Searcy Denney Scarola Barnhart & Shipley partner Sean Domnick obtained a verdict for James and Lisa of \$1,141,464.68. The defendant had only a \$100,000 insurance policy. Although James and Lisa offered twice to accept the policy limits, the insurer, State Farm, never offered any money to settle the case.

This tragedy was preventable if the defendant landlord had taken even the most basic steps for pool safety. After all, drowning deaths are one of the leading causes of accidental deaths of children. Under Florida law, a landlord who rents out property with a pool on it has an obligation

to keep the common areas safe, including the areas around the pool. At trial, plaintiff's expert Gerald Dworkin explained to the jury that it is unrealistic to believe that parents can supervise their children 24 hours a day. Therefore, layers of protection around a pool are necessary. These layers include a pool fence, a pool alarm or special locks on the doors leading to the pool area. In this case, the landlord had taken none of these basic safety steps. In addition, he violated local zoning laws that prohibited him from renting out the cottage on his property.

The defendant, through his insurance company, blamed Lisa for not keeping an eye on her children and tried to portray James as an "absentee" father. The jury rejected the defendant's argument, placing 70 percent of the responsibility on the landlord. Lisa Meyer was also represented by attorney Todd Stewart. ■



**Amber and Tyler
with their father,
James Duffin**