



CLAIM STORY

Diving headfirst into trouble

What started as mere horseplay in a condominium complex pool quickly turned into something much more serious when a teenager dove into the pool's three-foot-deep shallow end. The impact shattered his C4 vertebrae, resulting in a spinal cord injury and leaving him paralyzed from the neck down.

Prior to the accident, Charles Winchester, an involved member of the community, had noticed the very same group of teens roughhousing around the pool area on numerous occasions, and had presented his concerns to the association board. Mr. Winchester recommended that the pool area have more clear and concise signage stating safety rules, such as no diving and no horseplay in the pool area, and that the board should take more action to enforce the rules before someone became hurt.

Following the accident, the parents of the young man filed a claim against the association for not having proper pool safety rules clearly posted and enforced, as well as a failure to clearly mark the pool's depth. The settlement of \$5 million was awarded to provide coverage for his ongoing medical costs. The association was not insured with limits high enough to cover such a catastrophic personal injury, so the board of the association was forced to use operating funds to cover the remaining portion of the unpaid claim. This inevitably resulted in a 65% increase in the community's association fees over the course of four years. Additionally, Mr. Winchester formed a coalition of other community members and filed a personal lawsuit against specific managing members of the board, claiming that they were individually responsible for the financial losses of the community.

This particular claim is a cautionary tale demonstrating that even the most well-intentioned decisions can lead to disaster. It shows that it is vital that associations educate themselves on all their pool safety responsibilities, and take the proper steps to provide a safe environment by ensuring compliance.