

## Club Hit With \$12.5 Million Verdict After Young Girl Drowns in Pool

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A jury has awarded \$12.3 million to the family of a young girl who drowned in the indoor pool at Waterbury's Boys and Girls Club in 2008.

The family received \$7.2 million for the drowning death of Brianna Murray, \$5 million for her brother, who watched her drown, and \$100,000 for medical and funeral expenses.

Attorneys Kathleen Nastri and William Bloss, of Koskoff, Koskoff & Bieder, represented the plaintiffs in the wrongful death action.

In late May of 2008, Retemar Coombs registered her children, Brianna Murray and Darnelle Richards, to participate in an after-school program at the Boys Club. The after-school program included swimming in the club's indoor pool. According to the Koskoff lawyers, the mother informed club employees that Brianna, 5, and Darnelle, 7, did not know how to swim.

On June 9, Brianna and Darnelle were in the pool area, along with about 30 other children. According to the lawsuit, there was only one lifeguard supervising the children in the pool. At about 4 p.m., the lifeguard became aware that Brianna had become submerged in the pool. Boys Club employees attempted to resuscitate her, and she was taken to Waterbury Hospital, but she was brain dead and didn't survive.

The lawsuit claims that the club was negligent for failing to adequately monitor the number of children using the pool at a given time. It also states that there were not enough lifeguards at the pool, and the one that was there was inadequately trained. The claim also said other club personnel were not well-trained either for such an emergency, and that the club failed to adhere to recognized water safety and rescue procedures, did not have a proper emergency rescue plan and failed to warn children of dangers created by inadequate supervision.

*The Law Tribune is working on a more detailed version of this article, which will appear both on line and in the next printed edition of the newspaper.*

## The Hartford Courant

# **Jury Finds Club Responsible For Drowning, Awards \$12.3 Million**



By [Christine Dempsey](#)

WATERBURY — A jury on Thursday awarded \$12.3 million to the family of a 5-year-girl who died two days after she was pulled from a pool during an after-school program at the Boys & Girls Club of Greater Waterbury in 2008.

The girl's mother, Retemar Robinson, said she hopes the verdict allows her family members — especially her son — to go on with their lives. The boy, then 7, tried to get his sister help and had to witness her drowning, according to the lawsuit.

"I'm just happy that he can also move on and get the help he needs," Robinson said. "The verdict will not bring my daughter back."

The award was divided three ways, according to the clerk's office at Superior Court: \$7.2 million to the estate of the girl, Brianna Murray; \$5 million to her brother, Darnelle Richards, and \$90,600 to Robinson for medical and funeral expenses.

Reading from a written statement, club President Brandon Dufour said the organization was saddened by Brianna's death and made changes to improve safety afterwards.

"We were then, are now and forever will be saddened by the death of Brianna Murray. Since this incident in 2008, the Boys & Girls Club of Greater Waterbury has made drastic changes to its

policies, procedures and training programs to make sure that our Club provides the safest environment for our members and staff," he said.

"Child protection and safety is the number one priority of the Boys & Girls Club, and it will continue to inform all decisions and practices implemented by our organization, to safeguard the precious young people we serve every day."

"It an unfortunate verdict for a terrible accident," Gregory A. Anderson, the lead defense lawyer in the case, said in an interview. "The Boys & Girls Club plans to appeal and stands by its position that nothing that we did or didn't do caused the accident.

"Our hearts go out to the Robinson family. It was terrible that it happened and it was very unfortunate it ended up getting resolved like this. The Boys & Girls Club is going to continue to do it's great work for the people of Greater Waterbury. "

Kathleen Nastri and Bill Bloss of Koskoff, Koskoff & Bieder of Bridgeport represented the plaintiffs.

Testimony began Sept. 4.

According to the lawsuit filed in 2009, Brianna Murray died on June 11, 2008. Two days earlier, on June 9, she and her brother were participating in an after-school program at the club at 1037 East Main St.

About 4 p.m., the suit says, the only lifeguard "became aware that Brianna Murray became submerged." She was pulled out of the water, and Boys & Girls Club employees tried to resuscitate the girl, who was brought to Waterbury Hospital.

The lawsuit said the club "failed to provide an adequate number of lifeguards to supervise the children in the pool" and failed to properly train the one who was working that day. It also says no one was checking to see how many children were using the pool at one time, and that the club "failed to test" their swimming abilities.

The lifeguard failed to scan the pool and wasn't positioned properly so she'd have an unobstructed view, the suit says. Nastri said the lifeguard had street clothes on.

Darnelle suffered from "severe emotional distress" after he saw what happened to his sister, the lawsuit says.

Nastri said there was some finger-pointing at the plaintiffs during the trial and suggestions that they bore some responsibility for what happened.

"That was obviously a great weight on the mother through this trial, and the brother, who carried that tremendous guilt because he couldn't save his sister that day," she said.

Robinson said the verdict should make something clear to her son, who now is 14: "None of this is his fault."

<http://www.courant.com/community/waterbury/hc-waterbury-drowning-verdict-0919-20140918-story.html#>

## Connecticut Post

*Internet version* published 1:11 pm, Thursday, September 18, 2014

# Jury: Club must pay \$12.3M for girl's pool drowning

By Daniel Tepfer

A [Superior Court](#) jury has ordered the Waterbury Boy's and Girl's Club to pay \$12.3 million to the mother of a 5-year-old girl who drowned in the club's pool in 2008.

[Brianna Murray](#) drowned while at the club in June 2008. The club's then executive director later claimed he stole thousands of dollars from the club because he was so upset about the girl's drowning.

The girl's mother, [Retemar Robinson](#), who sued the club for her daughter's death was represented by [Kathleen Nastri](#) of the Bridgeport law firm Koskoff, Koskoff and Bieder.

## Connecticut Post

*Print version, Friday, September 19, 2014*

# Jury: Club must pay \$12.3M for girl's pool drowning

By Daniel Tepfer

WATERBURY -- The mother of a 5-year-old girl who drowned at the local [Boys & Girls Club](#) swimming pool six years ago was awarded \$12.3 million Thursday.

The state [Superior Court](#) jury deliberated less than four hours before announcing the verdict in favor of the mother, [Retemar Robinson](#), whose daughter, [Brianna Murray](#), died in 2008.

"I'm just grateful it's finally over," said Robinson. "This has been a very emotional time for our family and my only hope is that this never happens to anyone else's family."

"Brianna's death was a tragedy, the magnitude of which was amplified because of how easily it could have been prevented," said her lawyer, [Kathleen Nastri](#), of the Bridgeport law firm Koskoff, Koskoff and Bieder. "Had the pool been adequately supervised, had Brianna been given flotation devices, had the lifeguard on duty been adequately monitoring the children, Brianna would still be alive today."

In June 2008, Brianna Murray was with 31 other children in a pool area supervised by one lifeguard when she slipped underwater during a free swim at her local Boys & Girls Club. Her 7-year-old brother, [Darnelle Richards](#), alerted the lifeguard to his sister's distress, according to the lawsuit, but rather than jump in to save her, the lifeguard directed another child in the water to pull Brianna to the side.

Club employees did not attempt to resuscitate the girl for 11 minutes, said Nastri, who said by that time it was too late.

"Drowning is one of the leading causes of accidental death of children under the age of 4, and one of the most easily preventable," said Nastri. "This case highlights the critical need for adequate training and supervision of lifeguards and other staff who hold the lives of children in their hands."

Lawyers for the Boys & Girls Club did not immediately comment on the verdict.

## Associated Press

# Jury awards \$12.3M to family of girl who drowned

Updated 12:46 am, Friday, September 19, 2014

WATERBURY, Conn. (AP) — A state jury has awarded \$12.3 million to the family of a 5-year-old girl who drowned in a pool accident in Waterbury in 2008.

Jurors at Waterbury Superior Court returned the verdict Thursday, finding the Boys & Girls Club of Greater Waterbury liable for [Brianna Murray's](#) death.

Lawyers for Brianna's family, [Kathleen Nastri](#) and [William Bloss](#), say Brianna's death could have been prevented with adequate pool supervision.

Brianna died days after slipping under the water during a free swim.

Brianna's mother, [Retemar Robinson](#), said the verdict was justice for Brianna.

A lawyer for the Boys & Girls Club, [Gregory A. Anderson](#), says he will appeal the verdict. He says Brianna's death touched everyone at the club, but the organization wasn't responsible for what happened and the pool supervision was adequate.

Video of Mrs. Robinson's interview at <http://rep-am.com/news/local/830263.txt>

## *\$12.3 million awarded*

### Boys & Girls Club to appeal jury verdict in child's pool death

BY PENELOPE OVERTON

WATERBURY — Darnelle Richards tried to pull his 5-year-old sister out of a crowded Boys & Girls Club pool in 2008 when he saw her floating face down.

When he couldn't, the 7-year-old boy shouted for help, then ran to the one lifeguard assigned to the pool that day, but to no avail. Three days later, Brianna Murray died.



*Retemar Robinson holds a photo of her daughter, Brianna Murray, outside of Waterbury Superior Court Thursday. A jury awarded Robinson \$12.3 million Thursday in connection with a lawsuit she filed against the Boys & Girls Club of Greater Waterbury after Brianna drowned in the club's pool in 2008. Paul Singley Republican-American*

"Darnelle has carried the burden on his shoulders all these years, feeling guilty that he could not save his little sister," said Retemar Robinson, mother of Darnelle and Brianna.

Robinson hopes that a \$12.3 million verdict handed out by a Waterbury Superior Court jury on Thursday will help Darnelle, now 13, understand Brianna's death was not his fault.



"Now he can know for sure it was the club's fault," she said. "Now he can know for sure he didn't do anything wrong. He can finally put that burden down."

The club plans to appeal the jury verdict, according to club attorney Gregory Anderson. The jury was swayed by emotions rather than evidence or expert testimony, he said.

The death of a child makes it very difficult for a jury to see both sides of a tragedy like this, said Anderson, a lawyer who specializes in water-related death cases.

"It was an unfortunate verdict for an unfortunate accident," Anderson said. "We stand by the position that the club and its employees did nothing wrong."

Although the club is not to blame for Brianna's death, club officials have done "everything possible to ensure this will not happen again," Anderson said.

The club believes it will overturn the verdict on appeal, but Anderson said the club's financial position was strong enough that it could continue to operate if the appeal fails.

The club has struggled financially since its former director, Robert Generali, was sentenced to almost five years in prison in 2012 for embezzling almost half a million dollars.

In a statement issued Thursday, club leaders said the club would be forever saddened by Brianna's death. The statement made no reference to the club's plan to appeal the verdict.

The head of the club's board of directors, Brandon Dufour, said the club has made "drastic changes" to policies "to make sure that our club provides the safest environment."

Child safety is the club's top priority, Dufour said Thursday.

Robinson was angry Thursday at the club's refusal to take responsibility for her daughter's death. She wanted the club to "own up to it" and "change its ways."

"No one should have to go through what we did," she said.

Murray was a kindergartener at Wendell Cross Elementary School at the time of her death. She and Darnelle were in the afterschool program at the Boys & Girls Club.

She was to take club swim lessons that summer.

The club closed the pool in 2011, but attributed its closure to financial troubles, saying sporadic usage made the \$1,000-a-week operating cost an unnecessary financial drain.

Her lawyers, Kathleen Natri and William Bloss of Koskoff, Koskoff & Bieder in Bridgeport, said the club made a number of mistakes that contributed to Brianna's death.

The American Red Cross, a widely accepted authority on swimming safety, says one lifeguard

can safely monitor up to 25 children in a pool, according to Nastri and Bloss.

The pool log at the Boys & Girls Club showed 32 children, including several who like Brianna couldn't swim, were in the pool area at the time Brianna was pulled out, they said.

A videotape of the pool showed the lone lifeguard on duty, Amanda Golymbieski, did not perform rescue breathing for at least three minutes after Brianna was pulled from the pool.

Golymbieski testified she didn't perform rescue breathing for at least nine of the 11 minutes that elapsed between when the 5-year-old was pulled out and EMTs arrived, they said.

The videotape showed Golymbieski was not sitting on the elevated lifeguard chair that the Red Cross says is needed to scan a pool, but on a deck chair in street clothes, they said.

Red Cross guidelines say that rescue breathing should be done with a resuscitation mask that fits over a patient's mouth and nose, they said. The club did not have one, they said.

The club also allowed nonswimmers like Brianna to go in the shallow end of its pool, which is four feet deep, even if, like Brianna, they were under than four feet tall, they said.

Anderson said none of these allegations, even if proven to be true, had caused Brianna's death, which he described as a tragic loss to both the family and the club community.