

\$5.6 Million Verdict for Gainesville Man For Spinal Cord Injury Incurred at Pool Party

Defendants who hosted a BYOB event were found liable for damages an underage minor suffered in a pool accident after being permitted to drink alcohol.

PENSACOLA, FL, UNITED STATES, September 30, 2022 /EINPresswire.com/ -- A jury awarded \$5.6MM to Jack Massey, an underage minor in 2017, who was invited to a party at The Retreat Gainesville, was permitted to consume alcohol and was provided alcohol, then dove or flipped into a swimming pool, sustaining a traumatic spinal cord injury that left him a partial Quadriplegic. Pensacola Attorney [Rachael Gilmer](#), of [Levin Papantonio Rafferty](#) (LPR), along with co-counsel Jamie Holland of Holland Law, represented Massey at trial ([Case No. 2019 CA 003026](#)). Damages included past and future medical expenses, as well as pain and suffering.

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*RACHAEL GILMER, ATTORNEY,
LEVIN PAPANTONIO RAFFERTY*

“Going to trial is unpredictable and provides no guarantees,” Gilmer said, “but when the Defendant refuses to accept any responsibility, putting the case in the hands of a jury is an easy decision. Jack Massey accepted his role and responsibility for what happened on March 17, 2017, but it took a trial for the Defendant to do the same.”

The jury was asked to apportion fault amongst multiple people/entities including Massey. He admitted from day one that he shared in the responsibility for the choices he made that day, but he never felt he was solely responsible. The jury agreed.

According to the Complaint, the Defendant, Retreat at Gainesville, LLC, hosted a St. Patrick’s Day pool party at the Retreat apartment complex pool on March 17, 2017. Promotional materials for the event encouraged attendees to B.Y.O.B. (bring your own beer) and did not mention any age restrictions. Massey was 20 years old at the time.

Upon arriving at the party, nobody asked Massey for identification. Rather, he was encouraged by Retreat employees to drink from the free, unmanned kegs of beer around the swimming pool. No security guards, police, bouncers, or lifeguards were present. Pictures from the party confirmed that a DJ was present along with multiple kegs of beer, large liquor bottles and

attendees holding cans of alcoholic beverages.

Multiple witnesses took the stand and testified that underage drinking was a common occurrence at The Retreat Gainesville pool parties and that despite warnings to management by a community ambassador; nothing was done to control or monitor underage drinking during the pool parties. The testimony revealed the employee focus was limited to prohibiting glass in the pool area, rather than curtailing underage drinking.

The swimming pool was laid out with islands surrounded by water as shallow as three feet. At some point, after consuming alcohol, Massey "either dove or did a backflip" into the Retreat swimming pool. He emerged with a traumatic spinal cord injury.

As Plaintiff's counsel, Gilmer argued in a general negligence claim that The Retreat at Gainesville knew or should have known about the problematic circumstances that led to Massey's injury.

Furthermore, Gilmer argued that the Defendant had a duty and responsibility to:

- Train employees and representatives about proper identification of party attendees
- Instruct employees and representatives to refuse alcohol to those under the legal limit for consumption

The complaint also states that the defendant was negligent in its failure to have lifeguards and in failing to maintain the pool's "negligent condition," which attracted party-goers to jump off the pool islands without knowing the water's depth.

The Plaintiff also claimed that the Retreat at Gainesville, LLC, violated Florida Statute 856.015, which requires that:

"A person having control of any residence may not allow an open house party to take place at the residence if any alcoholic beverage or drug is possessed or consumed at the residence by any minor where the person knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at the residence and where the person fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug."



Jack Massey sustained a spinal cord injury from a swimming pool accident after being allowed to drink alcohol as a minor. A jury awarded him \$5.6 MM in a lawsuit against the party host, Retreat at Gainesville, LLC. (pictured: Jamie Holland, Jack Massey, Rachael Gilmer).

The person can be held civilly liable if violation of the statute causes or contributes to serious bodily injury of the minor. The Retreat Gainesville argued that the pool was not part of the residence and the statute did not apply.

Massey relied upon language in the standard Retreat lease agreement and Gainesville Police Department reported violations of the statute to argue the pool was part of the residence and the statute should apply. The Judge ruled as a matter of law that The Retreat at Gainesville did not violate Florida Statute 856.015 as the pool was not a residence as defined in the statute.

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The law firm's attorneys handle lawsuits throughout the country involving prescription drugs, medical devices, medical malpractice, car accidents, and business litigation. Levin Papantonio Rafferty has earned more than \$4 billion in jury verdicts and settlements, litigating against some of the largest corporations in the world.

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