

\$15 Million Settlement Reached by Attorney F. Gregory Barnhart Before Trial in Child Drowning Case

WEST PALM BEACH, FL, UNITED STATES,

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[Gregory Barnhart](#), a senior partner in the [Searcy, Denney, Scarola, Barnhart & Shipley, P.A.](#) law firm in West Palm Beach, has settled a tragic child drowning case before trial for \$15 million dollars. Greg was brought into the case by Rita Jackman and William Powell of the Your Advocates law firm to help try the case.

“

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F. Gregory Barnhart

The case was brought in North Florida. It involved the drowning of a beautiful little girl who fell into a retaining pond and was unable to get out before she breathed in so much water that she asphyxiated. The retention pond was one of perhaps 75,000 retention ponds in Florida. But this one was contained within the property of an apartment complex where the little girl and her family lived. This retaining pond became deep almost immediately. Barnhart, and his colleagues, maintained this was in

violation of water management rules, which require a gradual slope, so that a person or child falling or wandering in is not instantly immersed over their head.

The pond sat near common areas of the complex but had, what would appear to be a casual observer, a guardrail close to the pond. Barnhart and co-counsel argued that the guardrail was a danger itself because it would lull someone watching a child into thinking the child was protected when they were not. In this case, the little girl stepped between the ground and lowest rails and went right into the water.

The defense blamed a teenaged babysitter who admitted looking at videos on her phone while watching the child. Comparative negligence of the family or babysitter is almost always the central defense in these types of cases.

Barnhart and his co-counsel, and their experts, contended that, with the sharp slope leading to the pond and the worthless guardrail, it was only a matter of time before tragedy struck. Indeed, we the team argued that it was only a matter of when, and not if, a child would drown.

Cases like this are tragically common in Florida, which has the highest drowning death rate in the nation for children under five, driven by the climate and the sheer number of pools, retention ponds, and other bodies of water. "Pools remain the leading site of child drownings in Florida, but unprotected or poorly protected retention ponds follow close behind. Every one of them is potentially deadly to a child," stated Barnhart.

Cases like this can drive safer protections for children and save lives. But they require good experts, careful preparation, and the ability to defeat the "it was the parent's fault" defenses.

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