

Personal Injury Litigation: The Griffin Case

Boy dies at hotel pool, lifeguard was inattentive

Major settlement reached in “accident waiting to happen”

The only lifeguard posted at the hotel swimming pool in Reading, Pa., had her feet up on a desk and was reading a newspaper or magazine. At the same time, Ronald Griffin, 15, lay immobile at the bottom of the pool, unnoticed for 10 to 20 minutes.

By the time he was discovered and brought to the surface, it was too late. The boy suffered fatal brain damage.

The discovery process involved in the subsequent lawsuit filed by Kline & Specter after the 1999 incident revealed that it was, to quote the complaint, “an accident waiting to happen.” The hotel routinely had only one lifeguard on duty who was improperly positioned, burdened with other work and inattentive – if present at all.

Lifeguards at the pool had to perform other chores, such as signing in guests, making coffee and handing out towels and locker keys. In pre-trial deposition testimony, the pool supervisor acknowledged that she had been concerned that other duties distracted lifeguards from observing the pool, though nothing was done to remedy the situation.

Lifeguards even left the area at times. The uncertified, 16-year-old lifeguard on duty the day of the Griffin incident occasionally left for hours. Earlier on the same day of the drowning she had left for several hours to attend a school dance practice, enlisting a man named Bennie from housekeeping to take her place. Not only wasn’t Bennie a lifeguard, it was not even known if he could swim.

The drowning did not occur until after the lifeguard returned. Shortly afterward, while she sat at the desk – there was no lifeguard chair or elevated stand – another swimmer told her about the boy at the bottom of the pool. Griffin was lying there, immobile with his arms outstretched. The lifeguard’s first reaction was that this had better not be a joke.

It wasn’t.

The lifeguard, who was clothed and took the time to strip down to her bathing suit, jumped into the pool and, with help from another person, managed to bring Griffin’s body to the side of the pool. He was not breathing and had no pulse. Attempts to revive the boy proved futile.

The lawsuit against the hotel ended in a seven-figure settlement.