

\$19M jury award in swimming pool injury case – Biomechanical engineer provides key expert testimony.

Posted on April 26, 2022 by Marty Aisenberg

The defendants had a 5-foot rubber raft in their swimming pool. One of their guests at a holiday party dove off a diving board onto the raft, bounced off the raft and was propelled into the water, where he struck his head near the shallow end of the pool and broke his neck. The plaintiff is confined to a wheelchair, has limited use of his arms, and is unable to perform most daily tasks without assistance.

The raft had several warnings clearly printed on it, including the following:

- This is not a towable device. Never tow from any watercraft.
- Never allow diving onto this product.

The defendants testified at deposition that they had purchased the raft to tow behind their boat. They didn't warn the plaintiff not to dive onto the raft. And they covered the raft with a protective slipcover, so it was impossible for the plaintiff (or any guest) to see the no-diving warning.

Al Vangura, an expert in biomechanics, bioengineering and product development, testified on behalf of the plaintiff that the on-product warnings were specific, appropriate, and properly written; that (given the evidence in the preceding paragraph) the defendants either didn't read the warnings or read them but ignored them; and that, had the defendants heeded the no-diving warning, they would not have placed the raft in the pool and the plaintiff would not have been injured.

The defendants' position was that the plaintiff was solely at fault for his injuries. "Remember why this accident happened, and what Mr. Fraser did and the choices he made," defense counsel urged the jury during closing argument. <https://triblive.com/local/valley-news-dispatch/westmoreland-jury-awards-swimming-pool-injury-victim-19-million/> (<https://triblive.com/local/valley-news-dispatch/westmoreland-jury-awards-swimming-pool-injury->

victim-19-million/). The jury found the defendants 70% responsible for the plaintiff's injuries and awarded \$9 million for past and future medical expenses, \$3 million for pain and suffering, \$3 million for loss of enjoyment of life, \$3 million for embarrassment and \$1 million for disfigurement.

Al Vangura specializes in forensic biomechanics and analyzes human movements and personal injuries to determine consistency with physical evidence and testimony. He conducts in-depth technical analyses determining the mechanism of injury or the relationship between externally-applied forces, the resulting internal forces, and the resulting physical injuries. He has provided expert consultation and testimony in cases involving injuries from slips/trips/falls, vehicle crashes, product failures, athletic and recreational activity, construction accidents, manufacturing accidents, playground accidents, medical device failure, etc. If you are interested in engaging Mr. Vangura, please contact Vident Partners at 978-724-0299 or pgeorge@videntpartners.com (<mailto:pgeorge@videntpartners.com>).

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