

YMCA Playground Accident

SERVICES

Premises Liability

RELATED ATTORNEYS

Scott M. Carroll

Scott Carroll recently achieved a defendant's verdict following a jury trial at the Suffolk Superior Court. The case was brought on behalf of a minor plaintiff who suffered a significant facial laceration as a result of a playground accident. The minor plaintiff claimed that the laceration above his right eye, which necessitated lengthy plastic surgery, left him with a permanent and disfiguring scar that was unlikely to improve with time. The two named defendants were counselors who were responsible for supervising a group of children in an after school program. The plaintiff claimed that the defendants were negligent in failing to protect the children in their care, including the minor plaintiff, from a defective piece of playground equipment. During trial, the plaintiff relied heavily on written materials, including an the staff handbook, in an effort to establish that the defendants failed to follow standard protocols and procedures promulgated by their employer. Attorney Carroll successfully argued that the defendants had acted reasonably under the circumstances and that the evidence, when taken as a whole, established that the defendants had complied with the written protocols and procedures set out in the staff handbook. The jury agreed, finding that neither defendant acted negligently. The jury returned a verdict on behalf of the defendants on all counts.