

## Small Area of Pond Lacked Safety Requirements

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### *Pond's Side Slope Turns Tragic for Six-Year-Old Boy*

On May 11, 1991, six-year-old Collin Brann was playing with a friend near a pond. The pond was located directly behind his family's home in Greenacres, Fla. The pond's drainage structure, known as a weir, allowed the water level to be raised or lowered. While the water was very shallow along the shoreline and everywhere else in the pond, it was very deep immediately in front of the drainage structure. Collin tragically fell into the pond, and, unable to swim, immediately sunk to the bottom. His young friend went for help, but it was more than ten minutes before Collin was recovered in eight feet of water. Collin was resuscitated and transported to St. Mary's Hospital in West Palm Beach, but not before suffering a severe anoxic brain injury.

Palm Beach County and the South Florida Water Management District require builders of storm water retention ponds to conform with very specific side slope requirements. These requirements are designed to protect young children, like Collin, who, if having fallen into the pond, can easily stand up and walk out. Nevertheless, the drainage structure for this pond was designed so that the depth of the water directly in front of the drain was more than eight feet deep. When Collin fell into the pond, he immediately sunk to the bottom and was unable to climb up the steep underwater slope. The entire bed of the pond conformed with side slope requirements, with the only exception being the small area where Collin was ultimately found.

Collin is now a quadriplegic and is unable to walk, talk, eat, or drink. Collin's only source of



nutrition is through a gastrostomy tube which was placed shortly after his injury. He has also been hospitalized on numerous occasions for chronic respiratory problems and for a number of orthopedic surgeries. Collin's lack of mobility has made it impossible for his bones to grow normally. Orthopedic surgeons have had to implant rods in Collin's back to relieve pressure on his spine, tendons, and muscles.

Attorneys Bill Norton and Patrick O'Hara, of Patrick O'Hara, P.A. in West Palm Beach, sued the homeowners' association and the engineers who designed the pond. They settled in 1995 for \$2.243 million. They also sued the developer and contractors, who together settled this year for \$2.75 million.

The Branns are an inspiration to all who witness their love for Collin. Collin's father, Dr. Herman Brann, left his profession as an economist to stay home and care for Collin full time. His mother, Mrs. Glorianna Brann, is a registered nurse who works tirelessly to care for Collin and to ensure the coordination of his medical treatment with all of his physicians. The entire Brann family, including Collin's younger sister, Julie, and older brother, Marlin, have done everything possible to ensure that Collin knows he is loved and cared for. Collin's total recovery of \$4.993 million will be placed in a guardianship to provide him with proper care and treatment for the rest of his life. ■