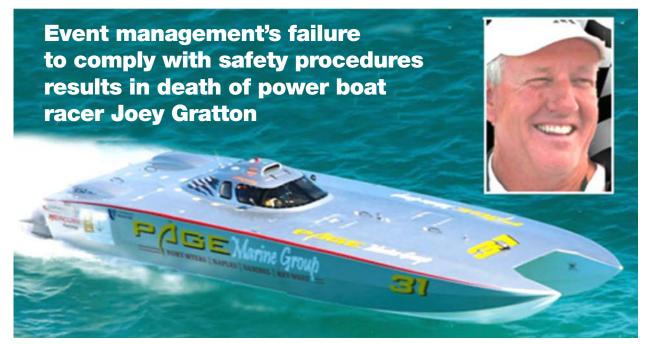


A REPORT TO CLIENTS & ATTORNEYS VOLUME 15, NUMBER 2



Management staffed the race course with inexperienced, untrained, uncertified divers who failed to rescue trapped boater.

At 59 years of age, Joey Gratton was on top of the world, a world renowned, multi-time powerboat racing champion. He was having the time of his life enjoying family, travel, and sports along with his wife of 33 years, Priscilla. Living in Manatee County, Florida, Joey and Priscilla were successful business people with twin sons – 30-year-olds Blake and Brock – and a new granddaughter, Scarlett. He was in excellent physical shape, an accomplished powerboat racer competing in national events and a nationally-ranked senior tour tennis player.

In November 2011, Joey was a throttleman for Steve Page, owner and pilot of "Page Motorsports," a 38-foot Douglas Marine "Skater" catamaran powerboat. In powerboat racing, it is the throttleman whose talent is most important to success. The two had decided to compete in the Super Boat International 31st Annual Key West World Championship. The race, scheduled for November 9, 11, and 13, would cover a long, triangular course in the ocean off Key West. The race

was sanctioned, sponsored, produced, and managed by Super Boat International Productions, Inc. (SBI), an organization that ran a series of such races in Michigan, New York, and all over Florida. John Carbonell founded SBI and served as its president and the ultimate authority on all aspects of its racing business. Mr. Carbonell was familiar with the procedures and rules for managing powerboat racing – he had participated in and produced these races numerous times. SBI had established written rules regarding management of the races, and, in particular, managing the medical and rescue protocols and procedures necessary to ensure a safe and successful event. SBI's rules conformed in large part to the industry's standard rules for safety.

Mr. Carbonell appointed Brian Haff and Donald DiPetrillo to serve as medical directors for the event. According to SBI's rules and regulations, as medical directors, both Mr. DiPetrillo and Mr. Haff were responsible for the following aspects of the event: reduction of risk throughout all aspects of racing – land, sea and air; manage medical and rescue personnel; assemble all support personnel necessary for the satisfactory

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