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\$4 million settlement in tragic boat crash

Impromptu night cruise ends abruptly with the violent death of two young men.

Jim Smith (not his real name) was an extraordinary and energetic 22-year-old man. His future was limitless, due in large part to his charismatic nature, contagious grin, and a gift for making people feel special. Raised in a small Florida beach community, he grew up spending his summers working at a marina where he rented boats to vacationers or offshore as a mate on charter fishing boats. Jim was a very responsible individual, particularly on the water. One summer he spotted a family of five who appeared to be in danger of being swept away from their boat by strong currents and waves striking the small sandbar where they had anchored. Springing into action, Jim rescued the family and took them to safety after which he was recognized in his hometown for his exceptional public service.

The following year, Jim faced his own personal crisis as a passenger on a pleasure boat. On the evening of St. Patrick's Day, he and a friend were enjoying community festivities at local bars along the marina. As the evening wound down, one of Jim's acquaintances announced that a group of friends had been invited to go out for a night cruise on a boat docked at a marina behind a bar. Jim did not know everyone going on the cruise, but his friend knew a few of the people and the two

The inebriated captain drove his boat full speed directly onto a rock jetty, killing two and severely injuring nine.

young men decided to tag along. The boat was a large, open, center-console powerboat with twin 450 HP engines on the back. A total of 12 individuals (including the captain) boarded the boat and departed the marina heading toward open water.

What Jim and his friends did not know was that the boat's captain had been drinking heavily that day, as was his custom, and he was seriously impaired and in no shape to operate the powerful boat. The cool spring air that night was pleasant;



The wrecked boat on the rocks of the jetty.

the weather was perfect. As the boat entered a waterway lined on both sides by rock jetties, the captain increased his speed and quickly put the boat on a plane flying over the surface of the water. Failing to realize that his boat had not cleared the jetties, the inebriated captain turned abruptly to the right and crashed headlong onto the rocks at full speed. The impact was horrifying. Bodies were thrown like ragdolls from the boat. Jim and his friend were forcefully ejected onto the rocks and both were killed by the impact. Many of the other passengers suffered severe injuries.

Jim's mother was devastated by the loss of her son. In the aftermath of the tragedy and unable to determine the details of what had happened, she contacted Searcy Denney attorney **Cameron Kennedy** and asked for help in determining accountability for the crash and her legal options. Details were vague at the beginning of Mr. Kennedy's investigation. Discovery included social media posts, eyewitness accounts, interviews, and deposition testimony. Meticulously pouring over every detail, Mr. Kennedy and other attorneys at Searcy Denney were able to retrace the events of the day Jim was killed.

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**A REPORT TO
CLIENTS & ATTORNEYS
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NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case. Omitting clients' names and/or defendants' names are the result of requests for anonymity.

**\$4 million settlement
reached in tragic boat crash**

(Continued from page one.)

The captain had a reputation as a habitual drunkard. He frequented the several bars located around the marina tossing down drink after drink, night after night. He continued this pattern of behavior on St. Patrick's Day before heading to the marina to take passengers out on his boat. He was observed drinking well in excess of reason. Armed with this critical information about the captain's history and his whereabouts on the evening of the crash, Mr. Kennedy filed suit against several bars where the captain had been observed drinking in excess. The suit for wrongful death claimed that Jim Smith's death was the result of bar staff continuing to serve the obviously inebriated captain that night, in violation of Florida's Dram Shop Act (Florida Statute 768.125). This Act holds individuals and businesses liable under certain circumstances for knowingly furnishing alcoholic beverages to a person habitually addicted to alcohol for injury or damage caused by or resulting from the intoxication of such person.

After extensive discovery and depositions in the case, the parties to the civil wrongful death case eventually reached a settlement of over \$4 million. Mrs. Smith's determination to seek accountability for her son's untimely death was completed. Her grief, however, remains unrelenting. ♦



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