

**Friday, June 17, 2005**

## **Bradford girls receives \$4 million settlement**

**By SANDRA RHODES/Era City Editor**

A Bradford girl who became a quadriplegic after a diving accident at Barcroft Pool has settled a lawsuit for more than \$4 million against the companies that manufactured and installed the diving blocks.

Kara Cook's parents, Kerry and Terri Cook, agreed to the settlement with Paddock of California Inc., Paddock Pool and Equipment Co., William L. Watson Co. Inc. and S.M. Gleason & Co. Inc. for \$4,350,000.

The lawsuit against the City of Bradford is still pending.

The Cooks alleged that the driving blocks were improperly installed on the shallow end of the pool which was between three and four feet deep, adding the blocks should have been installed at the deep end of the pool.

According to the lawsuit, the improper installation of the blocks led to Kara's injury on Aug. 23, 2000, when she was participating in a swimming and diving program run by the city at the Callahan Park facility. Kara used the starting blocks to dive into the pool and hit her head on the concrete pool floor.

The lawsuit also alleged that Kara was not properly instructed and supervised by lifeguards and swimming instructors.

The girl, a student at Bradford Area High School, is now a quadriplegic and confined to a wheelchair.

In an order signed Tuesday by President Judge John Cleland, the Cooks' attorneys will receive a one-third fee of \$1,400,000 -- based on the reduced settlement of \$4,200,000 -- and \$44,846.94 for advanced costs.

Cleland approved payment, after legal fees are deducted, to the Pennsylvania Department of Revenue for \$371,724.22 and Blue Cross/Blue Shield for \$138,281.05.

Also, \$50,000 was allocated out of the remaining net settlement to be held in an account to be used for payment of "reasonable and necessary future costs to prosecute the remaining claim against the City of Bradford." The remaining money would be put in a Special Needs Trust for Kara.

It was further ordered that the Cooks recover \$2,500,000 before deductions for counsel fees, lien payments and cost escrow to continue the suit against the City of Bradford to be paid in cash at the time of settlement. This breaks down to \$1,200,000 paid by Paddock of California Inc., Paddock Pool Equipment Co. Inc.; \$850,000 by S.M. Gleason & Co. and \$450,000 by William L. Watson Co.

Also, the following payment schedule was set up:

-- \$2,734 per month commencing Feb. 1, 2011, for Kara's lifetime with the first 30 years guaranteed, increasing at 2.5 percent compounded annually to the Kara Cook Special Needs Trust. The final guaranteed payment is due Jan. 1, 2041. This will be paid by the American General Annuity Service Corp.

-- \$709,250 payable Sept. 1, 2006, guaranteed payable to Andrew J. Conner, Conner Riley & Fryling for partial payment of lawyer's fees.

-- \$2,734 per month commencing Feb. 1, 2011, for Kara's lifetime with the first 30 years guaranteed, increasing at 2.5 percent compounded annually to the Kara Cook Special Needs Trust. The final guaranteed payment is due Jan. 1, 2041. This will be paid by the American Home Assurance Co.

Cleland also approved \$48,000 to be allocated for immediate special needs, or reimbursement of the special needs for Kara which have been incurred or will be incurred in the immediate future. Specifically, \$18,000 will be given to Kerry Cook and \$30,000 to Terri Cook.

The remaining net settlement of \$1,146,997.40 will be put in a Special Needs Trust.

Attorneys for the city responded after the suit was filed that the city cannot be held liable for the starting blocks since the blocks were temporarily installed and not a permanent fixture on the city's property.

Also, according to a local subdivision, they city is protected from liability under state law, the attorneys claim.

As part of the agreement, there's also a confidentiality clause, precluding the parties from talking about the terms of the agreement.

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