



Chad Stockbauer v. Intex Recreation Corp. et al.

Jury finds pool's lack of warnings make pool defective, returns \$14 Million dollar damage award, but places most of the fault with plaintiff

In 2008 The Accurso Law firm went to jury trial in Jackson County, Missouri and obtained a verdict against Intex Recreation Corp., finding their inflatable swimming pool to be defective and unreasonably dangerous.

The client, Chad Stockbauer, was caused to be a quadriplegic after diving into the defendant's swimming pool. The jury returned a verdict finding that the warnings on the pool were inadequate, causing the pool to be defective. Despite being 18 feet wide, the pool only measured three feet high, containing only about 24 inches of water. In discovery, The Accurso Law firm learned of several young people across the country who have also attempted to dive into these pools with tragic consequences.

The jury returned the verdict in Mr. Stockbauer's favor, but assessed him with 96% of the fault, lowering his award to \$560,000. Before visiting the home where he dove into the pool, Mr. Stockbauer had consumed alcohol, causing the jury to find him with the great majority of the fault.

Despite the obvious challenges of the case, Mr. Accurso agreed to represent Mr. Stockbauer due to the great needs he faced for his future and the suspicion that this type of pool was very dangerous. Several experts were needed to prove the case for topics on warnings, pool safety and the many needs of a quadriplegic.

After the conclusion of the case the Stockbauers were able to use the proceeds from the case for a new van that is customized for Mr. Stockbauer's medical needs, for renovations to their home to better accommodate Mr. Stockbauer's medical needs and a variety of other medical related expenses.

This type of case goes to show that even a plaintiff who is partially at fault can do good by going forward with a case to help the manufacturer see that juries are not impressed with their lack of safety. If others are harmed in the future and the manufacturer has done nothing to improve the safety of the product, the next jury may be able to consider this verdict in deciding how much punishment is appropriate.