

# New Jersey Law Journal

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## **\$575,000 for Drowning Accident**

### ***Wells v. Bergen County:***

The mother of a man who drowned while swimming in a Bergen County park accepted \$575,000 from the county on April 6.

Allan Wells, then 19, of Orange, was on a family outing at Darlington Park in Mahwah on Aug. 23, 2004, when he suddenly disappeared in the water. The lifeguard in the vicinity did not respond to a plea for help by Wells' cousin, and when two other lifeguards did respond, Wells was unconscious, according to **Eric Kahn** of Springfield's **Javerbaum Wurgaft Hicks & Zarin**, who represented the estate. Wells died later that day.

Wells' mother, Michele Riley, claimed that the lifeguards failed to properly supervise swimmers and did not respond quickly enough.

The case ended after court-ordered mediation before **Jay Rice** of Roseland's **Nagel Rice & Mazie**.

**Julien Neals** of **Chasan Leyner & Lamparello** in Secaucus, who represented Bergen County, confirms the settlement but says five, not two, lifeguards tried to save Wells. Neals argued that Wells, who was a strapping young man and a good swimmer, must have died from arrhythmia or an unusual cause, but the county settled rather than expend counsel and expert fees to prove its case.

- *By Lisa Brennan*