

Lawsuit over debris that killed 8-year-old is settled

Brad Dicken | The Chronicle-Telegram

ELYRIA — The family of an 8-year-old boy crushed by a 600-pound concrete slab as he and his friends were playing on the lakeshore has settled a lawsuit against the property owner and the companies that placed the debris at the site as an erosion-control measure.

Attorneys in the case declined to provide specifics of the settlement in the lawsuit, which had asked for more than \$1 million in damages for the death of Dominic DePaul on Jan. 2, 2006.

“There’s never enough to compensate a family for suffering this tragic loss,” said David Grant, an attorney for Dominic’s mother, Michele Cantone, who could not be reached for comment Monday.

Dominic and three friends were playing on the debris pile behind the Vermilion home his family had rented from Allen Gasper when a 13-square-foot chunk of concrete broke and struck him in the head. According to court documents, Dominic died minutes after he was injured.

A trial over whether Gasper was negligent in using the metal bar-reinforced concrete to control erosion had been set to begin today before Lorain County Common Pleas Judge Mark Betleski. Grant said the settlement with Gasper was reached late Friday.

Claims against Americut Coring & Sawing and South Shore Dredge & Dock, two of the companies that placed the debris, were settled late last month, according to court documents.

Grant said neither company admitted to wrongdoing in their settlements.

The settlements don’t end the legal fight over Dominic’s death. Andrew Flynn, one of the boys who was playing with Dominic and witnessed his death, has also sued Gasper, and that lawsuit has not yet been settled.

Michael Duff, Andrew’s attorney, said he is in the process of negotiating a settlement in that case.

Duff said the site remains largely unchanged from the day Dominic died.

Bruce Sanders, a spokesman for the U.S. Army Corps of Engineers, said the lawsuits delayed any changes being made to the site, but in August, the Corps gave Gasper until December to make upgrades.

The Corps issued a permit two years ago to Gasper that would allow him to clear the site and replace the debris with large secured “toe blocks” that would be covered with rocks known as armor stone.

Gasper and his attorneys did not return calls seeking comment Monday.

Contact Brad Dicken at 329-7147 or bdicken@chroniclet.com.

http://www.chroniclet.com/2008/10/07/lawsuit-over-debris-that-killed-8-year-old-is-settled_122/

Boy who saw friend die sues landlord

The Chronicle-Telegram Staff

ELYRIA — The friend of an 8-year-old boy who was crushed by an unstable 600-pound cement slab along the lakefront is suing the property owners.

Andrew Flynn watched as his friend Dominic DePaul was killed Jan. 2, 2006, when he and his twin brother and some friends were on a rock pile behind the lakefront home Dominic’s family was renting from Allen Gasper of Lorain.

A slab of cement, about 13 square feet, came loose and crushed Dominic.

Andrew’s attorney, Michael Duff, said his client suffered emotionally.

“It was a horrific incident,” Duff said.

The lawsuit names Gasper, his wife Lisa, and seven other defendants related to the property at 4342 Edgewater Drive where the incident occurred and asks for an amount in excess of \$1 million.

Duff said Andrew’s father, Wayne Flynn, filed the lawsuit on Andrew’s behalf after contemplating for almost two years about whether he should.

Dominic’s mother, Michelle Cantone, filed a \$1 million lawsuit against the property owners 24 days after her son’s death.

That lawsuit is set for trial in early 2008. Duff said county Common Pleas Court Judge Mark Betleski could agree to combine the two cases. Gasper could not be reached for comment Friday.

Contact Adam Wright at 329-7151 or awright@chroniclet.com.

http://www.chroniclet.com/2007/12/29/boy-who-saw-friend-die-sues-landlord_122/