

Friday, November 3, 2006

Dive stick jury awards not a dime - maybe

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Tampa Bay Times.

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A jury made a curious decision Thursday in the case of a Largo boy injured by a pool toy made by a Clearwater company and sold by Wal-Mart.

The jury found both companies to be partially responsible for 3-year-old Marcus Zunner's impalement in the rectum by a dive stick six years ago, but didn't award any money in compensatory damages for his injuries.

Then the jury indicated that it believed Wal-Mart and Florida Pool Products should pay punitive damages. But punitive damages cannot be awarded if compensatory damages aren't given.

Lawyers for the companies suggested that Pinellas-Pasco Circuit Judge Amy Williams tell the jury to fix its verdict form. But the boy's lawyers argued she should declare a mistrial. Williams will hear arguments from the lawyers this morning.

Zunner's lawyers say Wal-Mart and Florida Pool didn't properly heed a recall of the dive sticks.

Lawyers for the companies said Zunner's mother was negligent when she bought the sticks for a shallow pool. They also said Zunner's grandparents weren't supervising him closely enough the day of the injury.

The jury said Zunner's family was 75 percent responsible. It found Florida Pool 10 percent responsible and Wal-Mart 5 percent. The jury put 10 percent of the blame on the U.S. Consumer Product Safety Commission.

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