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\$2 million settlement in child's drowning

By [Peter Boylan](#)
Advertiser Staff Writer

The family of a 5-year-old girl who drowned last year in a drainage ditch at a Navy housing complex settled a lawsuit against the military and private contractors for \$2 million, the family's attorney announced yesterday.

Charlotte Paige Schaefer, affectionately known by family and friends as "Sharkey," died Feb. 28, 2004, after jumping into a rain-swollen retention pond to save a 3-year-old child who couldn't swim.

Before her death, residents of the housing complex had filed more than two dozen complaints about the pond, saying it was a safety hazard because it flooded and had inadequate fencing, said Rick Fried, the family's attorney.

"The settlement doesn't mean a lot because she's worth everything to us," said Allison Schaefer, Charlotte's mother, who appeared with her husband, Daniel, and with Fried at a news conference in the attorney's Bishop Street office yesterday.

"Their condolences don't mean a whole lot because they can't bring my daughter back."

While no formal admission of guilt was made by the Navy or by Hunt Building Co., the subcontractor that built the complex where the Schaefer family lived, documents released by Fried indicate the Navy was aware of the flooding problem more than three years before Charlotte drowned.

The pond was about 50 yards long at the time of Charlotte's death.

"The Navy deeply regrets this tragedy and fully understands that no amount of money will ever replace the loss of Charlotte," Navy spokeswoman Lt. Barbara Mertz said. "Our deepest sympathies are still with the members of the Schaefer family."




This photo, taken shortly after Charlotte Schaefer's drowning in February 2004 at Pearl City Peninsula, shows the drainage ditch and retention pond. Since the drowning, the Navy installed a safety barrier.

U.S. Navy

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WHO WILL PAY THE SETTLEMENT

Here is a breakdown of what several parties will pay as part of a \$2 million settlement in the death of 5-year-old Charlotte Schaefer.

- \$850,000 from the U.S. government
- \$650,000 from Hunt Building Co.
- \$150,000 from Gile Buck & Associates
- \$150,000 from Briggs Engineering Inc.
- \$200,000 from Danilo D. Lopez and Associates

Source: Settlement agreement documents

Mertz said the Navy has erected permanent barriers around the retention pond and inspects it weekly.

Hunt Building Co. officials declined to comment on the settlement yesterday. Three other firms involved in the construction of the housing project also were part of the settlement. The Advertiser left a telephone message at each business yesterday seeking comment; none was returned.

Documents released by Fried yesterday include e-mail correspondence between the Navy's engineers and one of Hunt Building Co.'s Hawai'i representatives and show that both parties were aware of the safety issues surrounding the retention ponds.

A March 2003 e-mail from a civilian Navy housing officer in charge of the Pearl City Peninsula housing complex where Charlotte drowned states there are three areas, including the area where Charlotte drowned, where water gets as deep as 8 feet.

"This could end up in a very bad situation that we neither want or need," the e-mail states. "Not sure why the drain areas are so large and deep but these areas should have been fenced in."

Despite the concerns raised in the e-mail, neither the Navy nor Hunt Building Co. did anything to remedy the situation before Charlotte's death, Fried said.

"The settlement is nothing compared to what I lose in my daughter," Daniel Schaefer, who is a submariner in the Navy, said at the news conference yesterday. "I'd much rather have her back than anything else."

A scholarship has been endowed in Charlotte's name at her former school, Our Lady of Good Counsel. The scholarship will award \$1,000 to one student every year for the next 50 years, Schaefer said.

Now that the legal battle is over, Allison Schaefer said she will focus on lobbying local lawmakers for legislation to further regulate the construction of retention ponds.

"Charlotte's death is just one of hundreds of fatal tragedies across the country that have occurred as a result of poorly designed and improperly maintained detention and retention ponds," she said.

Charlotte had been playing with other neighborhood children in a flooded area behind a cul-de-sac in her neighborhood.

Her father was heading to the pond to warn the kids about the danger of playing in deep water, but he got there after Charlotte had jumped in to save a 3-year-old boy who had fallen into water 4 to 5 feet deep.

The boy was rescued by an older child, but Charlotte did not surface. She eventually was found, and her father tried CPR to revive her before the ambulance arrived.

The Navy installed a barrier several days after the accident.

Reach Peter Boylan at pboylan@honoluluadvertiser.com.

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