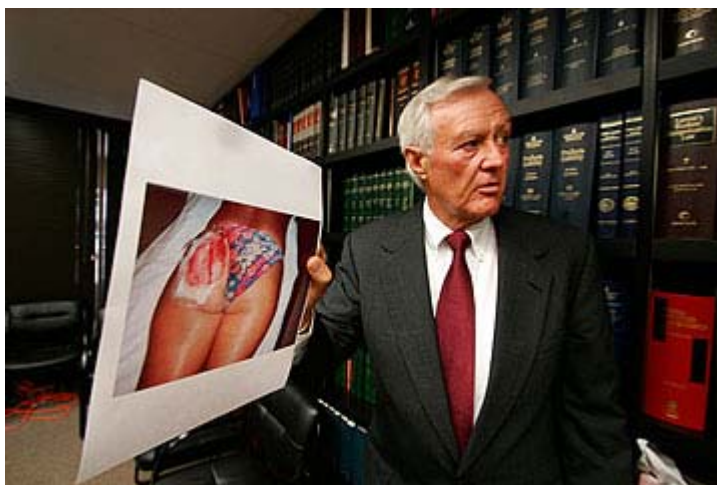


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Attorney Rick Fried holds a photo of Lisa Kennedy's injuries, taken before she was stitched up. [CLICK FOR LARGE](#)

Warning over sewage spill was late, suit says

A surfer claims she was infected the day after signs were posted

By Debra Barayuga
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The city should have posted warning signs telling people to stay out of all Waikiki waters immediately after 48 million gallons of raw sewage was discharged into the Ala Wai Canal last spring, according to a lawsuit filed in Circuit Court yesterday.

Had she seen a warning sign, Waikiki resident Lisa Kennedy said she and friends visiting from Lake Tahoe would not have gone surfing on March 28, 2006, at Kaiser's, a popular surf spot just off the Hilton Lagoon Beach.

Kennedy contracted a bacterial infection after she suffered a deep gash on her left buttock from falling on coral that day. She contends the infection was caused by the polluted water.

The city disagrees that the signs posted were insufficient or that the bacteria that infected Kennedy came from the polluted waters.

"The city denies liability for Ms. Kennedy's injury," city spokesman Bill Brennan said in a statement. However, the city has acknowledged its responsibility for the spill and will spend \$38 million to ensure it will not happen again, he said.

City officials said heavy rain caused an aging 42-inch water main on Kaiolu Street in Waikiki to rupture. Mayor Mufi Hannemann defended the city's decision to divert the sewage into the Ala Wai as unavoidable, calling it the most acceptable alternative.

Kennedy, a waitress who lives in Waikiki and rarely drives because her job is close by, said she did not hear about the massive spill before going out that day, despite continuous news coverage.



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"It looks like someone put a golf ball on my butt and swung it and took a divot out."

Lisa Kennedy

The surfer, pictured yesterday above, got an infection after surfing in contaminated water. She is filing suit against the city claiming the 48 million-gallon sewage dump into the Ala Wai canal last year caused permanent injury.

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Although she sought medical treatment at the Medical Corner in Waikiki, Kennedy ended up in the hospital for nearly two weeks after infection set in. A culture taken showed four of the five types of bacteria she contracted come from fecal matter.

She underwent surgery to remove infected tissue, doubling the size of the 4-inch-long wound and leaving her permanently disfigured. She continues to feel the sensation of fingernails under her skin, likely from the tissue regenerating, her doctor told her. She can no longer sleep on her back, and sitting for long periods is

uncomfortable.

"It looks like someone put a golf ball on my butt and swung it and took a divot out," she said. She remains under a doctor's care and anticipates further surgery later.

Kennedy said she incurred \$42,000 in medical costs, \$5,000 in out-of-pocket costs and lost six months' worth of wages because of the injury.

Kennedy's attorney Rick Fried said the city knew at least two days after the spill that bacteria levels at the Hilton Lagoon Beach were 44.3 times the acceptable limit.

"By March 28 the parts were well over 100 times the acceptable limit," Fried said. "Clearly, the city had an obligation to post early on."

It took officials until March 29 to post warning signs at the Hilton Lagoon Beach, he said.

Brennan said the city posted signs the day of the discharge in areas it believed would be affected by the spill, including near the former helipad where surfers go into the ocean, he said.

Additional warning signs were posted the next day at the Ala Wai Boat Harbor parking lot where surfers launch to get to surf spots, including Kaiser's. The number and placement of the signs were approved by the state Department of Health, Brennan said.

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