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Family sues contractor over ditch drowning

By Sally Apgar
sapgar@starbulletin.com

The family of a 5-year-old girl who drowned in a drainage ditch at Pearl City Peninsula Naval Housing in February is suing the Texas contractor that built it.

At a press conference to announce the lawsuit yesterday, Allison Schaefers, the mother of the child and a reporter for the Star-Bulletin, said she is pursuing the suit against Hunt Building Co. Ltd., of El Paso, "to make sure nothing like this ever happens to another Navy child."

Schaefers said as a Navy wife for 10 years, "you come to expect that your spouse might get hurt or not come home. But you don't expect that to happen to your child."

Steve Colon, a local spokesman for Hunt, said he had not seen the suit and could not comment on it.

On Feb. 28, after heavy rain had turned the ditch into a deep lake, Charlotte Paige Schaefers jumped into the muddy water to save a 3-year-old playmate who had fallen in.

Despite the rescue efforts of her father, Chief Petty Officer Daniel Scott Schaefers, and other adults who were nearby, Charlotte drowned in murky water that was up to her father's neck. The other child was saved.

At the time of the drowning, there was no fence around the drainage ditch, which ran behind several houses in the neighborhood. The Schaefers' attorney, Rick Fried, said the Navy received more than

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30 complaints from neighbors in two years that the ditch was dangerous, that it flooded and that children played nearby.

"The Navy did nothing," Fried said yesterday.

Since Charlotte's death the Navy has placed a fence around the ditch.

Yesterday, Fried showed home videos taken by a neighbor of heavy flooding in the ditch and surrounding area just before Charlotte's drowning.

On April 9, Fried filed notice of the suit to the Navy under the Federal Tort Claims Act.

The Navy has six months to reply, and if it does not, the Schaefers can include the Navy in their negligence suit against Hunt.

The suit seeks damages to be determined at trial.

Lt. Cmdr. Jeff Davis, a Navy spokesman, said yesterday, "We're saddened by this terrible tragedy, and our deepest sympathies go out to the family of this little girl."

Davis noted that after Charlotte's death the Navy put up fencing around the ditch in the Schaefers' neighborhood and at others in Navy housing.

He said the drain line connecting the pond to Pearl Harbor also was improved to ensure drainage.

The suit against Hunt, which was filed in U.S. District Court on Tuesday, alleges negligence in the design and construction of the basin and that it created a hazard.

Fried said Navy regulations as well as city and county regulations call for fencing around drainage basins in residential areas.

Schaefers said she wants "contractors and builders to see that the decisions they make, particularly those on a budget, have an impact on life."

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