

## **PHOENIX GAZETTE, March 5, 1988**

### **“Pool owner blamed for injuries of man thrown in during party”**

**By Anthony Sommer**

A Mesa restaurant worker whose neck was broken when fellow employees threw him into a 2 1/2 foot-deep swimming pool during a company party is claiming the swimming pool owner is responsible for his injuries.

Sheldon Schlesinger, an attorney for Luis Menendez, told a Maricopa County Superior Court jury Friday that the owner of the pool, Dobson Association Inc., failed to provide a lifeguard as required in its contract with TGI Friday Inc., the party host. He said a lifeguard could have stopped the horseplay that led to the injury.

But Bradley Jardine, attorney for Dobson, Association – the homeowner’s association of Dobson Ranch – said the contract did not call for a lifeguard to be on hand when Menendez was injured.

And Bradley told the jury TGI Friday managers were at the party and – rather than controlling the situation – participated in throwing workers into the pool, when Mendez’s neck was broken, leaving him confined to a wheelchair for life.

“You may have the impression that the wrong people are on trial,” Bradley said, referring to TGI Friday managers who are not named in the suit but are expected to be named as witnesses.

Both sides completed their opening arguments Friday. The trial is expected to last up to two months.

If the jury in the first phase of the trial determines Dobson Associates is liable, it will then decide on the award.