

## BACKYARD POOL (NO WALL)

By James Collins

Levi the engineer was obviously perplexed. He put sugar in his coffee three times, tasted it, and then tossed the cup in the trashcan. He had two lit cigarettes sitting in the ashtray as he tried to light a third.

"Levi, what's wrong?"

"I'm having trouble with my neighbor Angelo. He is threatening to take me to court and sue me for tens of thousands of dollars."

"Why?"

"Oh! It was all an accident and he blames me for it."

"What happened?"

"Angelo my neighbor lives right next door. I have a 4 foot 10,000 gallon pool for the kids in my backyard. His kids and my kids used it all summer. Saturday afternoon, about 3 PM, one of the supports to the pool collapsed. That side fell down to the ground, and all the water rushed down the lawn to his basement window. Unfortunately, there is no wall between the properties. The water pressure drove the window mounted Air Conditioner into his basement, as all the water from the pool gushed into the basement and flooded it. Unfortunately, Angelo's relatives filled the basement at the time. One of his kids had a christening and Angelo's family and friends filled the finished basement. When I heard the police sirens and the squad cars pulling up to the front of Angelo's house, I rushed over to see if I could help because I did not know what happened. As I got to the front door, people and police were leading dazed men, crying women and hysterical children out and putting them on the lawn. They were all wet. At the same time, Angelo ran at me but two police officers held him back. He was yelling, "Levi, *you tried to kill me and all my family. We were having a lovely time. We had 30 family members in the basement. Music was playing. Kids were playing. Everyone was happy having drinks and sandwiches. Suddenly the air-conditioner exploded out of the window and slammed into the top of the bar. Luckily, nobody was standing there at the time. Then the water from your pool surged through the window like a flood from a high-powered fire hose and knocked people off their feet including my mother. All the lights went off. Adults were screaming. Kids were crying- terrified. People were floundering around slamming into the furniture and bumping into each other. It was complete panic. People won't get over the trauma for years. Some feared they were drowning. It was a long time before the waters stopped flowing in. By that time, water was almost 3 foot deep in the basement. A number of people were hurt trying to get up the stairs to get out of the basement. Others were hurt trying to get down the stairs to help the injured. You were the cause of it all. It was your pool and we have many injured people. Two have broken fingers and one has a broken arm. Many have black eyes, bruises on the head and there is a lot of blood spilt. I am going contact my lawyer and all the family members will sue you and take your house. The children won't get over this for years.*"

"Levi it sounds like a very unfortunate incident. Luckily, you both have homeowners insurance. If the party was not underway, the damage would have been minimal - only property damage. However, with all the people in the basement and multiple injuries, the lawyers are going to have a field day. I can't see where you have any criminal liability, but I'm not a lawyer."

"But Jim, it wasn't my fault. There was nobody in the pool at the time the side collapsed. It just happened. I don't understand why Angelo blames me."

"I hear you. Unfortunately, it is your pool in your backyard and you acquire the liability from the accident. You are responsible. The insurance companies will settle it all but I think you have to go over and make peace with Angelo."

"I don't think that's going to happen. Angelo is not the kind of guy who forgets an event that impacts his family."

Twenty years later, the two families still did not speak and a large imposing chain-link fence separated the two properties. On Angelo's side, there also was a 6-foot high privet hedge to prevent any of his family from having to view Levi's house and backyard. However, no wall exists to this day. Its presence would have changed everything. Who knew?

THE END