

The Herald

BROWARD EDITION OF *The Miami Herald*

Man wins \$320,000 for pool accident at bar

By **RON ISHOY**
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It was hot at the Candy Store bar on Fort Lauderdale beach the afternoon of Sept. 22, 1990.

Vincent Cognata, a 30-year-old aspiring Broward bodybuilder, took off his shirt, mounted the six-foot-tall platform the bar used for its belly-flop contests, and dove into the eight-foot-deep pool.

He struck his head on the bottom and fractured his neck.

The pool was not deep enough to allow diving under the South Florida Building Code, Cognata contended in a suit he filed against the beach-side bar.

The Scottsdale Insurance Co., which insured the Candy Store, recently paid a \$320,000 settlement

to Cognata.

"It was a settlement, a compromise," said Glenn Webber, the Fort Lauderdale lawyer representing the insurance company. "We didn't admit liability. We went to a mediation conference and settled the case."

Because of the accident, Cognata maintained in his lawsuit, he developed a severe weakness in one of his arms and hands that forced him to curtail his bodybuilding career and close his Broward landscaping business. He also developed severe depression and headaches, he said.

"If you saw pictures of this guy before the accident and now, you'd really see what this was about," said Diana Santa Maria, a Davie lawyer who represented Cognata. "His whole mental image surrounded his physique."

Aside from the pool not being deep enough, the bar should have posted a "no diving" sign, Santa Maria said.

"They not only failed to have the proper equipment and proper warning, they actively encouraged people to dive into this pool," Santa Maria said. "And they served alcoholic beverages and encouraged diving."

Cognata, 33, has moved to Connecticut to live with his mother and works part time painting fences and houses, Santa Maria said.

The Candy Store is out of business, but the pool-side bar, now connected with the Econo-Lodge next door at 1 N. Atlantic Blvd., was still operating Tuesday — with the ramshackle wooden belly-flop platform next to the eight-foot-deep portion of the pool.