

Surf Report

Wind: Var., 10-15 kts.

Swell: West 3-5 ft.

Period: 12sec. Temp: 63°F

Tide: Low 8:12 a.m. High 3:14 p.m.

Low 9:43 p.m. High 2:48 a.m.

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FRIDAY,
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TODAY'S WEATHER



Warm &
Breezy
HIGH: 79°

NASDAQ: 2,720.04 +20.55

DOW: 14,000.41 +82.19

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Family sues club over death

Lawyer claims 4-year-old's drowning was 'willful misconduct'

BY ERIC LINDBERG

DAILY SOUND STAFF WRITER

A lawsuit filed against the Cathedral Oaks Athletic Club in Goleta involving the drowning death of a 4-year-old boy at the

club's pool alleges negligence, wrongful death and willful misconduct on the part of the club's owners and lifeguards.

Jonathan "Yoni" Gottesman drowned on August 15, 2005 while at

the club for the first day of a summer camp. Lawyers for the Gottesman family said lifeguards and counselors did not receive proper training and did not watch the camp participants closely enough.

"Cathedral Oaks falsely advertised itself as a safe and secure environment for kids," said Barry Cappello, attorney for the Gottesmans. "The Gottesmans relied on these mislead-

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ing assurances, and now their young boy is dead.”

Attorney John Levitt, representing the athletic club, told the Daily Sound he has not seen a copy of the complaint and is not prepared to comment on the case. Cathedral Oaks management also did not have a copy as of yesterday evening.

“I think it would be inappropriate for me to respond to the lawsuit before I see it,” said Julie Main, owner of West Coast Athletic Clubs, which manages Cathedral Oaks and several other clubs in the Santa Barbara area.

According to the complaint filed Wednesday in Santa Barbara Superior Court, surveillance video shows Gottesman being dunked by a camp counselor before struggling and sinking under the water.

“The facts that we allege are true are extraordinarily strong,” Cappello told the Daily Sound. “The video clearly shows the camp counselor aggressively dunking this 4-year-old kid who just barely passed his swimming test a few hours earlier.”

The lawsuit alleges that Gottesman floated face-down in the pool for eight

minutes with a lifeguard no more than six feet away and a camp counselor in the water continuing to dunk other kids. Another camp participant noticed his submerged body and called it to the attention of the counselor.

“It was only then that any action was taken to rescue Yoni,” Cappello said. “Improper resuscitation and CPR techniques and equipment were used after Yoni was pulled from the water and there was a lengthy delay in calling 911.”

Gottesman barely passed a swim test earlier that day and the instructor determined he should remain in the shallow end on the wall, according to court documents. However, the lawsuit contends that information did not reach the camp counselors and Gottesman drowned near the middle of the pool.

Two lifeguards, three camp counselors and a swim instructor were on duty during the incident, Cappello said, adding that one of those lifeguards had been fired from another local country club, a week prior to Gottesman’s death, for being inattentive.

Cappello said he is ready to move forward with the case and will continue to gather evidence in the coming months.

“We feel we have a very strong case,” Cappello said. “...We intend to aggres-

sively uncover evidence by taking depositions. We intend to bring the case back to the District Attorney to review it with the new evidence.”

The District Attorney’s Office declined to pursue criminal charges following a lengthy investigation into Gottesman’s death.

“We have concluded there is insufficient basis in fact or law for criminal prosecution of any single person or of an entity,” District Attorney Thomas W. Sneddon, Jr., said in a July 2006 press release.

Investigations into the athletic club by California’s Department of Social Services determined that it did not have a license to provide childcare, according to court documents.

The department notified Cathedral Oaks that it was operating a childcare facility without a license in violation of California Health and Safety Code. The club appealed that ruling three times and was denied each time, according to the lawsuit.

Named in the complaint are West Coast Athletic Clubs, owners Richard Berti, Richard Ortale, Julie Main and Jim Knell, and camp personnel on duty at the time of the drowning. Cappello said he expects the case to head to trial within a year.