

WRONGFUL DEATH | DROWNING

John Eric Romano, as personal representative of the Estate of Perry Cohen v. William 'Blu' Stephanos, et al.

MSJ Granted



LUKS, SANTANIELLO
— PETRILLO & COHEN —

Daniel J. Santaniello
Principle and Firm Managing Partner | Boca Raton

Christopher S. Moore
Junior Partner | Stuart

This case arose out of the tragic disappearance and presumed deaths of Perry Cohen and Austin Stephanos on July 24, 2015.

Our firm was retained to represent the Father of one of the boys who was alleged to have been negligent due to the undertaker's doctrine. Plaintiff asserted that our client delayed the official search and rescue, failed to call 911, failed to provide information to the authorities and that his actions in conducting his own search made him responsible for the presumed deaths.

In defense of these claims, our firm conducted a thorough and aggressive investigation and learned of the facts that had not been made public, and found additional evidence that supported the actions taken by our client. In fact, we found witnesses and ocean images that established the boys had been seen just prior to and during the storm just off the coast, that the Coast Guard had been contacted and that the boat was then seen in the ocean images overturned and with no signs of life — all before our client was even aware the boys had not timely checked in. The firm's client was not in custody or control of the boys that day, and he was working at his office so he had no information about the storm.

Ultimately, we filed a summary judgment motion based primarily on the total lack of evidence that our client breached any duty of care. The Order granted summary judgment on behalf of our client and found that his actions did not increase the risk of harm, and that he committed no breach of any duty of care. The case was later amicably resolved. The summary judgment order in our client's favor is vindication for the actions of a parent, whose concern and attempt to find his son was not wrong, nor actionable. In the words of the well-reasoned order, "The Defendant went looking for his son and for his son's companion, Perry. This simple, and understandable act, does not give rise to liability based on the undertaker doctrine." We add that his actions and determined efforts to search undaunted for weeks should be praised and emulated.

Daniel J. Santaniello

☎ (954) 847-2911

✉ DJS@insurancedefense.net

Christopher S. Moore

☎ (772) 403-5321

✉ CMoore@insurancedefense.net



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— PETRILLO & COHEN —