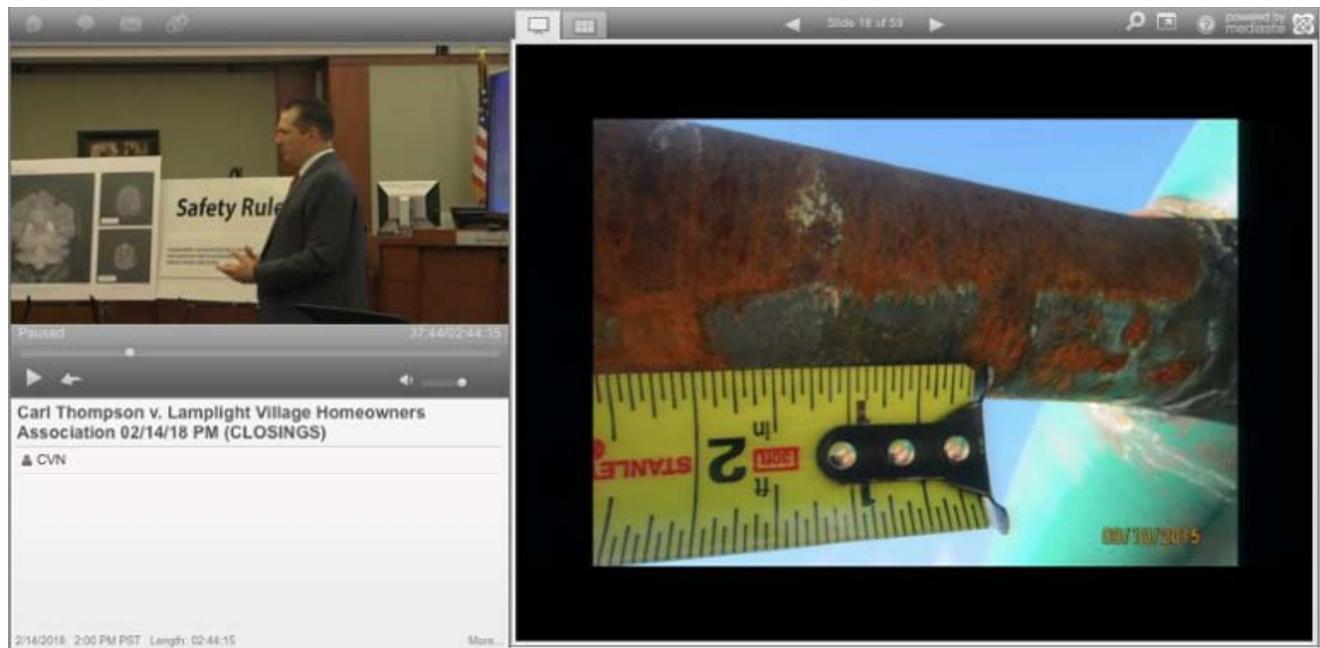


Homeowners Association Hit With \$20M Verdict Over Faulty Swing Set

Posted by David Siegel on Feb 16, 2018 11:28:29 AM



Courtroom View Network (CVN) screenshot of plaintiff attorney Sean Claggett delivering his closing argument

Las Vegas - A Nevada state court jury slapped a homeowners association with a \$20 million verdict on Thursday, including \$10 million in punitive damages, in a lawsuit filed by a teenager who suffered a traumatic brain injury when a swing set's metal bar broke and landed on his head.

The jury found the Lamplight Village at Centennial Springs Homeowners Association responsible for injuries sustained by Carl Thompson in 2013. Thompson sued in 2014 claiming that the accident caused his persistent headaches, memory loss, movement problems with his right arm and a substantially increased risk of developing dementia. He accused the HOA of failing to adequately inspect and maintain their playground.

The verdict far surpasses the HOA's highest pretrial settlement offer of \$125,000, according to Thompson's attorney Sean Claggett of the Claggett & Sykes Law Firm. Claggett told Courtroom View Network that offer increased to \$2 million, the maximum policy limit under coverage provided by Lamplight's insurer, Community Association Underwriters, after the jury heard closing arguments.

Lamplight argued that Thompson's injuries were not as severe as he described, and that a property management company was responsible for maintenance of the neighborhood's playground, not the homeowners association. An attorney for Lamplight did not respond to a request for comment.

The full trial was [webcast live and recorded gavel-to-gavel by CVN](#).

Claggett told CVN the verdict will make homeowners associations take greater steps to make sure their playgrounds are safe.

“None of the HOA’s are getting maintenance and inspection of their playgrounds, and it’s putting lots of children at risk,” he said. “These jurors weren’t going to tolerate HOAs in the community ignoring the safety of residents and guests.”

During the trial, Claggett and his co-counsel Al Lasso of Lasso Injury law argued that Lamplight should have known their playground posed a safety risk after two previous swing sets required repair and replacement over a span of less than ten years.

They told jurors that despite this record, the HOA opted out of a \$150/month safety and inspection plan offered by the swing set’s installer. Thompson initially also sued the swing set’s manufacturer and their distributor, but those claims were settled prior to the start of the trial.

Claggett said the verdict is significant because it is based entirely on pain and suffering, with no life care plan presented to the jury and no claims for lost future earning capacity.

“I’ve never put on a trial like this,” he said, noting that a \$10 million compensatory award is usually tied to more quantitative factors that jurors can “add up.”

Claggett said he expects the verdict will force homeowners associations to become more proactive about the safety of their playgrounds.

“Every single HOA in this town needs to go get a maintenance and inspection plan for its equipment,” he said.

The weeklong trial took place before Judge Joe Hardy in Clark County District Court. Lamplight was represented by Kevin Brown of Brown Bonn & Friedman LLP. Video of the full trial is available to CVN subscribers.

The case is captioned *Carl Thompson v. Lamplight Village Homeowners Association*, docket number A-14-697688-C.

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