

Former Owner of Cathedral Oaks Athletic Club to Pay \$1.5 Million as Partial Resolution of Boy's Drowning Case

SANTA BARBARA, CALIF. -- Richard Berti, a former owner of Cathedral Oaks Athletic Club, is paying the parents of four-year-old drowning victim Jonathan "Yoni" Gottesman \$1.5 million as a partial resolution of the \$16.2 million jury verdict handed down in April (*Gottesman v. Cathedral Oaks Tennis, Swim and Athletic Club, et al.*, Santa Barbara Superior Court Case No. 1246093). Today, Judge Thomas Anderle entered final judgment in the case, including the fraudulent transfer and alter ego claims against Berti.

Yoni Gottesman died on August 15, 2005 when he drowned at a summer camp run by the Cathedral Oaks Athletic Club. A security camera video showed that Yoni was aggressively dunked twelve times by a camp counselor, and then left to drown. Two lifeguards and three camp counselors took no action to rescue Yoni, who floated face down in the pool for over 8 minutes right in front of them. Even after Yoni was pulled from the pool, the COAC staff failed to perform adequate CPR. (See <http://www.YoniGottesman.com>)

Throughout the litigation process, Berti attempted to deflect responsibility and focus attention on his managers and employees, rather than himself. "For too long, Berti has refused to take responsibility for the death of this young boy. When he was faced with a trial that would show him to be the alter ego of the corporation already found liable for willful misconduct in Yoni's death, and show him to have fraudulently transferred his assets to avoid payment of the judgment, Berti finally realized it was time to take responsibility. By paying this amount against the \$2.3 million in punitive damages awarded by the jury, Berti finally has acknowledged his personal responsibility for Yoni's death," says A. Barry Cappello, managing partner with the Santa Barbara law firm of Cappello & Noël and one of the attorneys representing the Gottesman family.

"Shortly after Yoni died, Berti began orchestrating the fraudulent conveyance of his assets, intending to avoid having to pay personally for his misconduct," says Cappello. "Having judgment entered on this portion of the case finally has closed this sordid chapter surrounding the willful misconduct in the death of Yoni Gottesman, and the attempt by Berti to hide his assets after Yoni's death."

"For more than four years, Berti did everything he could to avoid taking any personal responsibility for his role in creating the situation that led to Yoni's death," says Leila J. Noël, who co-tried the case with Cappello. "Yoni did not die as a result of some accident that no one could have prevented; he died because the club knowingly took shortcuts, failed to properly train staff, and utterly ignored the need to implement basic safety protocols. The club also failed to obtain the necessary licenses for running a child care facility. Richard Berti was at the center of those failures."

"We are suffering Yoni's loss day by day," says Oded Gottesman, Yoni's father. "We're here today because Berti's operation took Yoni's life." The family intends to use the money they receive to increase pool safety awareness and drowning prevention through The Yoni Gottesman Foundation.

In addition to the payment of the \$1.5 million by Berti, the judgment entered by the Court today also includes the \$13.9 million in compensatory damages awarded by the jury in April.

For more information about Yoni Gottesman's story, go to <http://www.YoniGottesman.com>.