

The Electric Shock Drowning of Samantha Chipley

On June 27, 2005, Samantha Chipley and her friends, Margaret, Susie and Courtney, arrived at the Scott Creek Marina on Cave Run Lake, which is located in Eastern Kentucky. The girls were planning on spending the night on a houseboat owned by Susie's father. This was Samantha's first time at the marina. It was a very hot June afternoon and the four girls jumped in the water. Although there were "No Swimming" signs that warned of the danger of electrocution, it was common practice for patrons to swim at the marina. At the time of the incident, Samantha and Margaret were in the water swimming while Susie and Courtney were retrieving floats from another boat that was nearby. Samantha tried to climb on a raft with Margaret when she suddenly started jerking in the water. Margaret jumped off the raft to help Samantha and felt a shock go through her entire body. Both Samantha and Margaret swam towards the houseboat.

Susie and Courtney rushed to the back of the boat and tried to help get Samantha and Margaret out of the water. Eventually, Margaret was pulled to safety by grabbing on to a beach towel. The girls watched helplessly as Samantha was shocked for several minutes while she struggled to stay above water. A Good Samaritan dove into the water in an attempt save Samantha. When the Samaritan was shocked, in what he later described as being locked up in a "dead hum," he was forced to turn around, barely escaping. By all accounts, the incident lasted about seven (7) minutes. Eventually Samantha disappeared into the darkness. Her body was recovered hours later.

Margaret later described the incident, painting a horrifying picture of what the girls experienced. Margaret stated that the shock felt similar to the stinging pain you experience when your foot goes to sleep. However, she felt this sensation throughout her entire body. The shock was so intense that Margaret couldn't move her fingers. As Margaret and Samantha moved closer to the houseboat, the intensity increased. Margaret grabbed Samantha's shirt to try to keep her from going under. At that point, the intensity was so great that there was nothing either girl could do. Margaret stopped breathing as her body tensed up. She began to feel like she was going to pass out and like her feet were sinking to the bottom of the lake. Margaret was worried that she was going to die, and her thoughts were racing. She stated that during the last minute she was in the water, she had come to terms with the fact that she was going to die. Margaret tried to float on her back because she did not want to look down into the darkness. Margaret stated that she thought if she were on her back, she would be able to look up at the sky in order to find her way to heaven as her body descended into the darkness of the bottom of the lake. Margaret's testimony epitomizes what Samantha likely experienced during her last moments of life.

Subsequent investigation revealed that the houseboat's wiring system did not contain a ground wire. At the time of the incident, the boat was plugged into the marina's power pedestal. It was believed by many (also based on lab tests) that a battery charger located in the engine compartment of the boat faulted which energized the boat's hull. Others opined that a light aboard the houseboat shorted out and energized the hull. Once the boat's hull became energized, the water surrounding the boat and the marina became lethal.

Samantha's family and friends were heartbroken by such a preventable tragedy. Hoping that she could stop another child from dying in such a way, Samantha's mother, Roberta Chipley, filed a lawsuit against the owner of the houseboat, as well as against the marina and other entities. Over two (2) years of litigation followed.

The primary legal issue in the case was whether or not the marina could be held legally responsible for Samantha's death. Like many marinas, the marina leased boat slips and sold electricity to its boat owners. Samantha's estate argued the marina had a common law duty to inspect boats moored there before permitting them connect to the marina's power supply. Further, Samantha's estate argued that the marina had a duty to install ground fault monitoring (such as Marina Guard ®) and/or ground fault protection to monitor and/or to prevent electricity from entering the water in and surrounding the marina. The marina argued that it had no duty to protect Samantha by inspecting boats, or by installing ground fault monitoring and/or ground fault protection. The marina submitted that the boat owner was solely responsible for the tragedy. The week before trial, at a court ordered settlement conference, the case against the marina was settled for \$700,000.00. Samantha Chipley's family hopes that her story will serve as a catalyst for much needed change in the marina industry.

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A.5.1 Electrical systems and electrical equipment in the marina and boatyard require special consideration because of the existence of some, or all, of the following conditions:

- (1) Locations that are wet or continuously damp, and are exposed to rain, wind-driven spray, atmospheric moisture, and severe corrosive effects including, but not limited to, salt contamination
- (2) Locations that are exposed to excessively high or low temperatures
- (3) Locations that are subject to flooding by abnormally high water
- (4) Locations where flammable or combustible liquids or gases are stored, dispensed, or used
- (5) Locations where electrical equipment and facilities are used by persons not under the control of the management, many of whom are unfamiliar with the possible hazards associated with such use and the means to avoid them — those persons need to be protected from electrical hazards when they are on the land, on boats, in storage or repair facilities, or going from one to another
- (6) Locations where boats are moved to and from the water and to and from storage or repair stations
- (7) Locations, such as floating piers, that are subject to movements such as mechanical shock and vibration

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