



11/21/2008

Pavelick lawsuit dismissed Thursday

By: Luke Jennett

A lawsuit by the estate of Megan Pavelick, who drowned more than two years ago while inner-tubing in the Des Moines River, was dismissed Thursday by a Boone County jury.

According to court documents, the jury found that the defendant, Seven Oaks Recreation Inc., was at fault in the incident, but the fault was not a proximate cause of Pavelick's death.

District Court Judge David Danilson dismissed the case and assessed costs to the plaintiffs, Megan Pavelick's parents.

Megan Pavelick, 22, of West Des Moines, died July 9, 2006, after she and some friends rented inner-tubes from Seven Oaks to float down the Des Moines River. Court testimony indicated she and her friends didn't know where to enter the river and were given a map of the area and directions by a Seven Oaks worker. But the worker didn't mention there was a low-head dam in the area that could be dangerous and failed to advise the three women to enter the river below it.

Pavelick reportedly went over the dam after entering the river at the wrong place, receiving a gash on her head and drowning. She was airlifted to Mercy Medical Center but was pronounced dead.

In a suit filed August 2007, Pavelick's parents sued Seven Oaks and the city of Boone for various actions that contributed to their daughter's death. They argued that by not disclosing the presence of the dam, failing to shuttle their customers to the correct entry point and not marking the path, Seven Oaks had been negligent. They also claimed the city was liable for failing to remove the low-head dam itself or modify it to eliminate the danger it presented.

The city of Boone was dismissed with prejudice as a plaintiff in the lawsuit Nov. 7.

©Mid-Iowa Newspapers 2008