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ENOUGH IS ENOUGH: SIXTH DEATH AT SAME LOCATION SPARKS LAWSUIT
Claim filed against Hartford at the Lake Apartments after drowning deaths of child, hero

COLUMBUS – Two lawsuits were filed today against Hartford at the Lake Apartments in the Franklin County Court of Common Pleas after the drowning deaths of five-year-old Elijah Walker and James Russell Jenkins, the hero that tried to save him.

The lawsuits describe how more than one hour passed before five-year old Elijah Walker was pulled from the freezing waters of an iced pond at apartments on February 7, 2013.

The young child fell through ice and struggled to hold on while his mother and young brothers frantically screamed for help. Their pleas were heard by a stranger, 30-year-old James Russell Jenkins. Jenkins became a hero when he jumped into the icy water to save the boy. Mr. Jenkins was able to keep the boy's head above water while bystanders and rescue crews desperately tried to reach them. When Jenkins could no longer hold both himself and the boy above water, he took his last breath, put himself under, and held up the child as long as he could so the boy could breathe. Mr. Jenkins did not resurface.

Despite the best efforts of bystanders, police, and fire crews, they could not reach Elijah and he also went under. Jenkins and Elijah were later recovered by Columbus Fire Department Rescue Divers in 20 feet of water, less than 30 feet from shore. Mr. Jenkins was pronounced dead shortly thereafter. Elijah was taken by life-flight to Nationwide Children's Hospital and put on life support, but died three days later.

Attorney Charles E. Boyk, attorney for Jenkins's Estate and Attorney Jacqueline Downey, attorney for Elijah's mother, have now filed suit in Franklin County against the Hartford on the Lake apartment complex. The Walker complaint was assigned to the Honorable Judge Richard Sheward; the Jenkins complaint to the Honorable Judge Kimberly Cocroft.

"It's a sad, sad case, and it was totally and easily preventable," said Boyk. "This is a place that advertises and invites people to come live by and enjoy its lake. There have now been six drowning deaths in that pond. Most of their residents are young children who can't swim. Enough is enough. Something must be done."

“Every mother has sent her child out to play,” Downey said. “Every parent has had the experience of seeing their child avoid some near disaster. Whether following a ball into the street while a car comes to a screeching halt, pulling toddlers hands out of a dog’s mouth or losing track of a five year old for twenty seconds at a mall.

“Mrs. Walker sent her Elijah and his two other brothers out to play on a nice day. The next thing she saw was Elijah in the middle of a prolonged life and death struggle.

“From 20 feet away for nearly 60 minutes she and her two sons watched in horror as a would-be rescuer and a genuine hero, James Russell Jenkins, tried to save Elijah. Elijah died three days later after being exposed to freezing conditions under ice in an unprotected steeply sloped body of water. Mr. Jenkins died that night.

“Trying to imagine her pain, grief and horror in such a circumstance is impossible. Every parent reels away from such a thought. I am no exception. Hartford on the Lake has had every chance to rectify the issue of the pond. They have chosen not to. Another life should not be sacrificed because of their negligence.”

The lawsuit claims that Hartford and its owners failed to have any safety measures in place, such as fencing or natural barriers. The complex failed to warn residents regarding the dangerous and deceptive conditions of the pond, and had no rescue or lifesaving equipment available. “Had access to the pond been closed, or there had been any rescue equipment whatsoever, Elijah and Mr. Jenkins would not have drowned,” said Boyk.

File-stamped copies of each complaint against Hartford on the Lake can be found here:

[http://www.charlesboyk-law.com/library/Walker v Hartford on the Lake.pdf](http://www.charlesboyk-law.com/library/Walker_v_Hartford_on_the_Lake.pdf) - Elijah Walker complaint

[http://www.charlesboyk-law.com/library/Meredith v. Hartford on the Lake.pdf](http://www.charlesboyk-law.com/library/Meredith_v_Hartford_on_the_Lake.pdf) - James Russell Jenkins

The mission of Charles E. Boyk Law Offices, LLC is to help those injured by the negligence of others, while at the same time focusing on educating the community on how to prevent similar situations. Headquartered in Toledo, Ohio, Charles Boyk Law Offices has six locations to serve those in need of legal representation and we offer complimentary case evaluations to anyone living in or near northwest Ohio.

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For more information on this case or to schedule an interview, contact Anneke Godlewski, Communications Director, at 419-720-4456 or agodlewski@charlesboyk-law.com.