



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Woman Flung From 'Psycho Swing' Carnival Ride Wins \$6.5M

By **Joyce Hanson**

Law360 (December 9, 2019, 5:13 PM EST) -- A Florida woman who was seriously injured as a child after being ejected from a ride called the "Psycho Swing" has won a \$6.5 million judgment in state court after a jury found a carnival operator liable for the 2011 accident.

Judicial Circuit Court Judge Nicholas R. Lopane on Friday awarded 19-year-old Elizabeth Frank of Hollywood, Florida, the sum after a jury found The Celebration Source Inc. liable for her past and future damages, including pain and suffering, disability, physical impairment, mental anguish, lost income and medical expenses.

Bryan Hofeld of Schlesinger Law Offices PA, Frank's lead attorney, told Law360 on Monday that the accident has been a "formative event" for his client. While Frank can still walk, Hofeld said she still has pain in her ankles that gets worse with activity the longer she's on her feet, has headaches that persist to this day, and has issues with learning, processing, and memory from an accident-related brain injury.

"There was a lot of testimony that after the accident, she has been more closed off and glum, not as happy as she used to be, and certainly not as physically active," Hofeld said. "We're extremely pleased that the jury saw things our way and appropriately recognized that what happened shouldn't have happened and that it had severe consequences for Elizabeth. She has significant issues that she'll be dealing with, unfortunately, on a permanent basis."

Representatives for Hollywood-based The Celebration Source did not immediately respond Monday to requests for comment.

Hofeld said a co-defendant in the lawsuit that alleges liability and negligence, Florida-based The Event Depot Corp., reached a separate confidential settlement with Frank and her parents, Robert and Terri, before the case went to trial.

He said Event Depot bought the Psycho Swing and accompanying safety equipment from manufacturer Hang Time Inc. and leased it several years later to The Celebration Source.

On Dec. 17, 2011, no safety harnesses were in place when Elizabeth Frank rode the Psycho Swing in Hollywood, and the swing could be operated when riders weren't properly strapped in, according to the suit. The Celebration Source had failed to provide its operators with training manuals or instructions for the ride, and it failed to warn users, including Elizabeth Frank, about the need for safety equipment and other accident-prevention devices, the suit said.

Elizabeth Frank sustained permanent injuries after she was thrown from the Psycho Swing and hurt her head, neck, back, body and limbs, according to the complaint.

Elizabeth Frank and her parents are represented by Bryan Hofeld, David Silverman, Zane Berg and Jonathan R. Gdanski of Schlesinger Law Offices PA.

The Celebration Source is represented by Anthony Dieguez and Joshua Dieguez of Dieguez & Associates LLC.

The case is Elizabeth Frank et al. v. The Celebration Source Inc., case number CACE-15-7393-03, in the 17th Judicial Circuit Court of the State of Florida.

--Editing by Orlando Lorenzo.

All Content © 2003-2020, Portfolio Media, Inc.