

## Caribbean Resort Owners Found Not Liable for Child's Assault

BY JOEL STASHENKO

THE OWNERS and operators of an exclusive resort on the Caribbean island of Anguilla cannot be held liable for an attack that the 12-year-old victim's family blamed on a gardener, a New York state judge has ruled.

Manhattan Supreme Court Justice Kathryn Freed found that while the 2015 assault against the girl in the British West Indies was indeed "heinous," her parents cannot establish the necessary level of negligence on the part of the Covecastles Resort to hold it responsible under New York law.

The girl suffered a fractured skull and punctured lung, along with other injuries, in the attempted rape and assault, according to court documents.

The parents brought the suit, *J.G. v. Goldfinger*, 151453/2016, in New York because the defendants, Myron and June Goldfinger, directed the operations of the resort from their Manhattan home. Myron Goldfinger is an architect known for designing showplace homes and resort facilities in the Caribbean and in the Hamptons in New York.

Freed wrote that to prove negligence under New York law, the family of the girl would have to show that the victim was owed a special duty of care by the resort.

The defendants, however, demonstrated they had no information indicating the gardener was a danger to Covecastles' guests before the attack, Freed said in her Feb. 6 ruling. In addition, she said the assault did not take place on the grounds of Cov-



Covecastles Resort (Facebook)

ecastles, and it could not be said that the security at the resort itself was deficient.

"There can be no doubt that this was a horrific, vicious attack," Freed wrote. "But, under the circumstances presented and on the instant papers submitted, this court is constrained to determine that the law of this state does not provide recompense for the child's injuries as against defendants."

Freed granted the defendants' motion to dismiss the complaint.

Michael Sirignano of Cross River argued for the Goldfingers. David Shapiro of Manhattan defended the corporate entities affiliated with the resort, Covecastles Development Corp. and Covecastles Ltd.



Justice Freed

R. Zachary Gelber of Manhattan represented the plaintiffs. He declined to comment on the ruling Tuesday.

The girl's family paid \$15,000 for the planned two-week stay at the Anguilla resort from March 13 to March 28, 2015. The girl was attacked while walking alone near the Covecastles property on March 14, according to Freed's ruling.

The gardener, who was arrested in connection with the attack, was not identified, nor was the victim or her parents.

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