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Fort Lauderdale Lawyers Win Nearly \$71 Million Verdict for Yacht Rape Victim

A drunken crew member raped a steward on a yacht docked for maintenance work in Fort Lauderdale.

By Samantha Joseph | January 30, 2018

Attorneys with two Fort Lauderdale law firms [won a \\$70.6 million verdict](#)



(l-r) Adam Horowitz, Brittany Henderson and Brad Edwards.

https://images.law.com/contrib/content/uploads/documents/392/12012/2018-01-29_Executed_Verdict.pdf for a crew member who was raped on a 150-foot mega yacht docked for retrofitting.

Plaintiffs attorneys [Brad Edwards](https://www.epllc.com/our-firm/attorneys/brad-edwards/) (<https://www.epllc.com/our-firm/attorneys/brad-edwards/>) and [Brittany Henderson](https://www.epllc.com/our-firm/attorneys/brittany-henderson/) (<https://www.epllc.com/our-firm/attorneys/brittany-henderson/>) of Edwards Pottinger and [Adam Horowitz](http://adamhorowitzlaw.com/about/) (<http://adamhorowitzlaw.com/about/>) of Horowitz Law secured the verdict against the woman's employer after a six-day jury trial before Broward Circuit Judge Carlos Rodriguez.

Their client, steward Samantha Baca, was 20 when she was assaulted in February 2015. She'd been working for about two weeks on the *Endless Summer*, which was docked at the Universal Marine Center on the New River in Fort Lauderdale. She lived on the boat with project manager Kurt Tomecek and deck hand Rafal Dowgwillowicz-Nowicki.

Baca was alone on the boat's lower deck when Dowgwillowicz-Nowicki returned from a night of drinking and assaulted her for about an hour, according to Horowitz.

"She screamed for help and couldn't be heard," Horowitz said. Dowgwillowicz-Nowicki later pleaded guilty to rape.

Her employer, Island Girl Ltd., provided no radio for the crew, according to court pleadings. The company also had a policy prohibiting intoxicated crew members from returning to the ship but had no one on board to enforce it.

The [three-count civil complaint](https://images.law.com/contrib/content/uploads/documents/392/12012/2016-07-13_P_Amended_Complaint_FILED.pdf) (https://images.law.com/contrib/content/uploads/documents/392/12012/2016-07-13_P_Amended_Complaint_FILED.pdf) named ship owner Island Girl and the project manager as defendants. Tomecek was dismissed before trial.

Baca's attorneys raised two federal claims in the state case — negligence under the Jones Act and unseaworthiness. Baca sought "maintenance and care," including medical care and unearned wages.

Henderson said the plaintiffs side proposed settlements with the yacht owner and insurer within the policy limits in anticipation of “an excess verdict that would result in our owning the yacht,” but offers were rejected.

Fowler White attorneys J. Michael Pennekamp, Richard Morris and Christine Walker represented the defendants. They did not immediately respond to requests for comment by deadline.

Jurors found Baca was acting in the course of her employment as a crew member when her co-worker attacked her. They awarded \$70,000 in net lost wages and earnings up to the date of trial; \$4.2 million for future net lost wages and earnings; \$3,550 in past medical and hospital expenses; \$286,500 for future medical and hospital expenses; \$6 million for past physical pain and suffering, mental or emotional anguish, inconvenience, discomfort and loss of the capacity for the enjoyment of life; and \$60 million for future suffering.

“This verdict is very significant in the healing process for Samantha,” Edwards said. “She is an extraordinary person who had to unnecessarily endure tremendous injury that will last forever. This jury recognized that.”

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