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Mother sues Southern Indiana municipalities after son's drowning death

Louisville Public Media | By [Aprile Rickert](#)

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Aprile Rickert / LPM

A.J. Edwards Jr., 14, drowned at a low-head dam in Southern Indiana last May. Since then, the city of New Albany ordered for rocks to block a dangerous portion of the dam's engineering, though many say the dam needs to be removed altogether.

A Southern Indiana mother is suing multiple municipalities, saying their negligence led to her son's drowning death at a controversial low-head dam last May.

A Southern Indiana mother has filed a new lawsuit naming multiple municipalities in the drowning death of her son, 14-year-old A.J. Edwards Jr., at a low-head dam last May.

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city of New Albany, Clark and Floyd County Commissioners, Clarksville Town Council and the Indiana Department of Natural Resources.

It comes after her attorneys dismissed a [federal suit against New Albany](#) last month, with plans to file in state court.

Edwards and his friends were playing at the Providence Mill Dam, also known as the Glenwood Park Dam, last Memorial Day when he went under the water near the dam and never resurfaced.

The new court filings say Edwards thought it was a waterfall, and as he and his friends were jumping from it, "A.J. slipped and landed in deadly hydraulic currents, which took his life," it reads.

Jon Noyes is one of Malott's attorneys in the case. He said the move to state court is appropriate because it's a state issue.

"The danger of these low-head dams — and specifically the dam at issue — was very publicly known, but there seems to be some sort of arguing over who is in control of the dam, or was in control of the dam, and who was responsible for it," Noyes told LPM News. "So we decided that it made the most sense to get to the bottom of that issue and make sure that anybody that could be responsible for it is accounted for."

The fate of the more than 100-year-old structure has [been in limbo for several years](#), as the city of New Albany has challenged its removal.

Several years ago, a contractor for River Heritage Conservancy, Inc. secured a permit to remove the dam. That was to make the creek safer for a recreational "[blueway](#)," as part of plans for [Origin Park](#), a more than 400-acre riverfront park in the area.

That permit is still tied up in court proceedings.

Mayor Jeff Gahan has said he wanted to see the dam modified for safety rather than totally removed.

According to the new lawsuit, the defendants owned, operated and/or controlled the

Providence Mill Dam, are extremely dangerous to the public.”

Most of the defendants are listed as being negligent in one or more ways: failing to remove the dam, take action to reduce risk there, put up warning signs or use reasonable care to protect people from danger.

Accusations against New Albany, specifically, are stronger. The lawsuit says the city was negligent in one or more ways including refusing to remove the dam or take action to reduce risk and encouraging “the public, including children, to recreate at the Providence Mill Dam while knowing it was deadly to do so.”

The filing points to a billboard it says the city of New Albany placed to promote [Silver Creek Landing](#), showing people on or near the dam.

The lawsuit asserts that at the time of Edwards’ death, there weren’t safety signs in place. The [New Albany City Council later voted](#) to appropriate funds for signs.

Some of the defendants, including [Clarksville](#) and the [Floyd County Commissioners](#), have previously called for the dam’s removal.

Last August, two months after Edwards’ death, New Albany Mayor Gahan ordered rocks and gravel be placed at the dam to stop the recirculating current.

Indiana DNR halted work, and the Indiana Attorney General’s Office [filed a lawsuit](#) on their behalf calling for it to be reversed, saying New Albany didn’t have proper permits. That’s ongoing, and there’s a hearing scheduled next week.

The U.S. Army Corps of Engineers also [issued cease and desist orders](#) for what they say was unpermitted work. The Corps also gave the city a new deadline this year in June to submit restoration plans.

Gordon Ingle, an attorney representing New Albany, said the mayor is “very confident” that he did the right thing in declaring an emergency and having rock placed at the dam “to make sure no one loses their life again.”

Ingle is not representing the city in Malott’s lawsuit.

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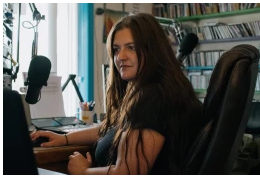
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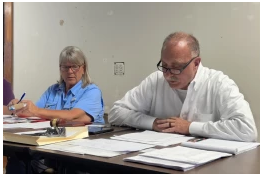
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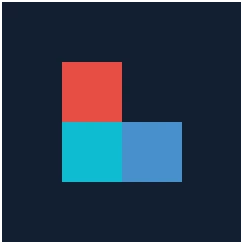
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