

## LATEST NEWS

# Lawsuit set in 3rd Dennett Dam death

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Updated December 11, 2009 5:47 PM



Water flows over Dennett Dam on the Tuolumne River despite drought conditions caused by low seasonal precipitation in the Central Valley. July 23, 2008. (Brian Ramsay/ [bramsay@modbee.com](mailto:bramsay@modbee.com))



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The lawyer representing a woman whose son drowned in the Tuolumne River two years ago is filing a new claim against the city, this time on behalf of relatives of a man who drowned in October.

Attorney Joe Carcione said Wednesday that he's representing the sons of 56-year-old Leonard Goddard, who drowned Oct. 22.

Goddard's death was the third to happen near the river's Dennett Dam since September 2006. Carcione says the unsafe dam led to 13-year-old Jeremy Wilson's drowning in 2007. Six months before that, 8-year-old Elmon Cooper fell off the dam's concrete ledge and drowned there.

Carcione urged the City Council on Tuesday to remove the dam, which sits above the river under the Ninth Street Bridge. "The state of California says it's the most dangerous dam we have in the state," Carcione told the council.

Carcione said the U.S. Army Corps of Engineers recommended the dam's removal in 1978. The Department of Water Resources and Department of Fish and Game also have said the dam should be torn down.

Carcione represents Wilson's mother, Debra Coito, in a lawsuit against Ceres, Modesto, Stanislaus County, the state and a joint powers authority that manages Tuolumne River Regional Park. Coito is seeking unspecified damages. A trial date has yet to be set in the case, Carcione said.

He will file the claim on behalf of Goddard's family next week, Carcione said.

The city set aside \$300,000 in 2007 to remove the dam, but the project was put off because of budget cuts.

Carcione noted Wednesday that the city has hired Sacramento law firm Matheny Sears Linkert & Jaime to defend it in Coito's lawsuit.

"They keep paying out attorney's fees," Carcione said. "My question is, why not rip (the dam) out?"

The city has spent \$210,483.50 in fees defending the Coito lawsuit, according to Modesto's city attorney office.

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This story was originally published December 10, 2009 at 11:26 PM.



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