

MIAMI-DADE • BROWARD • PALM BEACH

Daily Business REVIEW

LAW • REAL ESTATE • FINANCE

PRINT ♦ WEB ♦ EVENTS

WRONGFUL DEATH

\$5 MILLION SETTLEMENT REACHED IN JAZZ ARTIST'S DROWNING

February 9, 2011 by - John Pacenti

The family of New York jazz guitarist Zachary Breaux, who drowned in 1997 trying to save a woman caught in a Miami Beach rip current, has agreed to a \$5 Million settlement with an insurance carrier.

The Breaux family claimed the city was responsible for providing lifeguards at the beach behind the Seville Hotel, where the family was vacationing.

The city settled a wrongful death suit in state court after the Florida Supreme Court ruled in 2005 that the beach at 29th Street was a public swimming area. But Monticello Insurance refused to pay, arguing a policy written for a beach concessionaire listing the city as an additional insured did not extend coverage to the city.

In a December bench trial, U.S. District Judge Alan S. Gold ordered Monticello to pay \$5 Million plus interest and attorney fees, which would take the total value above \$6 Million. The company was appealing when the settlement was reached.



“It was one of those cases in which every step of the way there was a potential pitfall, and every potential pitfall had to be addressed,” said family attorney [Howard Pomerantz](#), a partner at [Abramowitz Pomerantz & Coffey](#) in Sunrise.

“It was one of those cases in which every step of the way there was a potential pitfall, and every potential pitfall had to be addressed,” said family attorney [Howard Pomerantz](#), a partner at [Abramowitz Pomerantz & Coffey](#) in Sunrise.

Attorneys for the city and insurance company did not return calls for comment by deadline.