

Camp to pay \$4.5M to settle family's lawsuit

By [Mary Kate Malone](#)

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The operator of a Michigan summer camp agreed to pay \$4.5 million to settle a lawsuit filed by the family of a 15-year-old boy from Buffalo Grove who drowned there in 2011.

This is the second-highest settlement in Illinois for a case involving the drowning death of a minor, according to the Jury Verdict Reporter.

Jacob Waxberg struggled to stay afloat in the lake at Greenwoods Camp for Boys while swimming with about 15 other campers around 10 p.m., said his family's attorney, [Todd A. Smith](#) of [Power, Rogers & Smith P.C.](#)

The lifeguard on duty lost sight of Waxberg in the darkness, the lawsuit says, and his body was not recovered until about 30 minutes later.

The lawsuit, filed in [Cook County Circuit Court](#), alleged that the camp failed to keep Waxberg safe and acted negligently when it allowed campers to keep swimming as darkness fell.

"(Waxberg) went under and he was indicating in some way that he was struggling a bit, but they thought he was joking around and I don't think they could really see him," Smith said.

The overnight camp, located near Decatur, Mich., sits along Lake of the Woods and is popular among children from the northern suburbs, Smith said.

Two days before the incident, Waxberg passed the camp's swim test — the first time he did so in his five years attending the camp, Smith said.

"The staff should have been more acutely aware of the fact that he was 15, and had struggled to get by the swimming test," Smith said.

The defendants in the lawsuit — CampGroup LLC, which operates the camp, and several of its employees — were represented by [Michael J. Cunningham](#) and [Conrad C. Nowak](#) of [Hinshaw & Culbertson LLP](#). They could not be reached for comment.

Waxberg's older sister, Michelle Waxberg, filed the lawsuit individually and as administrator of his estate. Jacob Waxberg is also survived by his parents and another older sister.

"I don't think anyone wanted a case of this nature to go to trial, if it could be avoided," Smith said. "They're destroyed. They're a great family. The loss is not diminished at all in terms of what's happened."

Smith said the defendants disputed the level of darkness outside when the campers entered the water. He said the murkiness of the lake water made it difficult to find Waxberg once he went below the surface.

"There's not illumination under the water like there might be in a swimming pool," Smith said.

Waxberg, who had just finished his freshman year at Adlai E. Stevenson High School in Lincolnshire, was small for his age but known for his sense of humor, Smith said.

The case seemed especially tragic because Waxberg's parents placed him in the care of people they believed would protect him, Smith said.

"You drop your child off at camp, and within two days, he's gone," Smith said.

He said he appreciated the camp's willingness to reach a resolution quickly.

Smith's colleagues, [Thomas M. Power](#) and [Brian LaCien](#), also represented Waxberg's family.

Cook County Associate Judge [Randye A. Kogan](#) approved the settlement last month, Smith said.

CampGroup LLC, as the operator of the camp, will pay the entirety of the settlement, Smith said.

The case is *Michelle Waxberg, etc. v. CampGroup LLC, et al.*, No. 11 L 13592.

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