

The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2011

PHILADELPHIA, TUESDAY, MARCH 31, 2015

An **ALM** Publication

Jury Awards \$38.5M in Punitives for Fatal Kraft Factory Shooting

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Of the Legal staff

A Philadelphia jury has awarded more than \$38.5 million in punitive damages to the estates of two Kraft employees who were fatally gunned down by a disgruntled co-worker.

After less than three hours of deliberation, the jury in *Wilson v. U.S. Security Associates* ruled 11-1 to award the estates of Tanya Wilson and LaTonya Brown \$38.5 million. The award comes about a month after a separate jury presiding over the compensatory phase awarded the estates more than \$8 million.

"It's an important message to U.S. Security that their guards shouldn't run away in a crisis, but actually have to act like security guards," the plaintiffs' attorney, **Shanin Specter of Kline & Specter**, said in an emailed statement.

In a statement emailed to the press, U.S. Security Associates said that it believes its personnel on duty during the fatal shooting acted "with courage in the face of a direct threat to their own lives."

"We are disappointed in today's verdict and intend to appeal on the grounds that the evidence present-

ed was not sufficient for a punitive damages award to be granted under well-established Pennsylvania law," the statement said. "At the same time, the people of USSA sympathize deeply with the families of Tanya Renee Wilson and LaTonya Sharon Brown, the two women who died in the shooting, and with Bryant Dalton, who was severely wounded."

Closing arguments in the punitive damages, which were held Monday, focused on the conduct of the security guard, Marc Bentley, and the security supervisor, Damon Harris, who were on duty when Yvonne Hiller gunned down her co-workers in September 2010.

The closings came after a week of testimony in Philadelphia Court of Common Pleas Judge Frederica Massiah-Jackson's courtroom.

During closings, attorneys on both sides of the dispute noted that Bentley did not know how to use the phone system.

White and Williams attorney Robert G. Devine, who argued for the defendants during closing arguments Monday, said the security guard could not be considered to be reckless since he did not know how to use the phone, and he attempted for some time to use the phone.

"Is that someone who's intentionally failing to act?" Devine asked the jury.

However, Specter argued that the fact Bentley did not know how to use the phone was evidence of the overall recklessness of the situation.

"Yes. It's not reckless to try to use the phone," Specter said. "What's reckless is putting yourself in the position of being a security guard and not knowing how to use the darn phone."

Specter has argued that the conduct of the security officials was reckless for failing to properly escort Hiller to her vehicle immediately after she was suspended, and also in failing to notify people in the building that Hiller had returned with a gun.

According to Specter, less than two hours before the shooting, Hiller had gotten into a "fracas" with Brown, Wilson and another employee, and Hiller was immediately suspended following the incident. Specter said the security supervisor believed Hiller to be "psychotic," and had known that there had been an altercation before he escorted Hiller out of the building.

During closing arguments, Specter told the jury that the main rea-

son the conduct was reckless was because the security officials acted solely in their own interest.

"I care only about me. That was their position," Specter said.

However, Devine argued that the jury's considerations need to take into account the mindset of the security officials at the time.

During opening arguments March 23, the 12 jurors watched surveillance video of Hiller approaching the security booth where Bentley was sitting, and then shove a 0.357 magnum into the security booth. According to Devine, the gun was inches from Bentley's nose, and a few feet away from Harris.

Devine noted testimony from a witness at the previous compensatory damages trial who had testified that the decedents would have suffered extreme psychological and physiological reactions to having a gun pointed in their faces, and said that Harris and Bentley would have experienced the same reactions, including extreme panic and loss of muscle control.

The jury also heard the 911 calls from both Harris and Bentley, which included heavy breathing from both, and Bentley telling the dispatch officer, "I'm all shook up. She stuck a gun in my face."

"Listen to their voices as to how shook up they are," Devine said. "It's against that backdrop that you are being called to" judge the case.

Specter, however, pointed to inconsistencies in testimony from witnesses, regarding whether Harris had radioed anybody at the facility to notify them after Hiller had re-entered the building with a gun.

"You can't believe anything they tell you. They have absolutely no

credibility," Specter said. "It's so obvious they have no credibility it just has to be said."

Specter also said that, following the incident, an official with U.S. Security Associates had said he had given both Harris and Bentley an A-plus rating regarding their conduct because they "got the job done."

After noting the testimony, Specter moved aside a television screen to address some family members of the two victims who were in the audience Monday.

"Congratulations. They got the job done," Specter said. "If they got the job done, these ladies wouldn't be deceased."