

SEPTA set to defend escalator

Mom is suing over loss of foot by son, 4



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This morning, Septa will try to explain to a jury why it does not feel responsible for a horrific 1996 escalator accident that tore off a 4-year-old boy's foot.

The transit agency also may have to explain to a judge why it waited until last week to release documents detailing problems with its subway escalators.



Among the documents was a report stating that the Cecil B. Moore escalator, where the boy was injured, needed repairs to the "step chain" that keeps it moving "or the escalator will not be safe to operate."

Shareif Hall's mother, Deneen , sued Septa two years ago because of the accident, which will cost the family an estimated \$300,000 in medical bills.

Septa counter-sued the single mother of five, blaming her for the accident maiming her son.

Shareif, now 7, spent the morning of Nov. 27, 1996 - the day before Thanksgiving - with his mother at her job before riding the Broad Street Subway north to their home at 16th Street and Cecil B. Moore Avenue.

Deneen Hall planned to stop with Shareif and his brother, Shaheed, also 4 years old, at the store to buy the family's Thanksgiving Day turkey.

The family rode the escalator at the Cecil B. Moore station from the subway platform to the street - Shaheed on the first step and Deneen one stop behind with Shareif, holding his hand.

At the top, Shareif's right foot snagged in the machinery.

As Septa workers scrambled to help the boy, using a scarf to tie a tourniquet around his bleeding leg, Hall could only stand there and watch him scream.

"I kept looking at his foot. It wasn't there," she said, sobbing. Several jurors also started to cry. "I was looking at the sky. I kept asking, God, what is going on?"

Shareif did not testify in court Friday but sat in a chair while his mother, who still rides Septa to her job at a Delaware County department store, demonstrated how she puts on and takes off his prosthetic foot each day. The boy's foot was amputated at the ankle and the muscles in his right leg have shrunk from lack of use.

The boy, dressed in a white turtleneck sweater, green pants and white Nike sneakers, nervously bumped his hands together as the jury watched.

On the table next to him, the small, black, high-top Fila sneaker he was wearing on the day of the accident sat, torn in several places and stained with blood.

Septa, in two internal reports after the accident, said it was not sure what caused the accident but theorized the boy's shoe was untied and the laces were caught in the machinery.

"I always check to make sure their shoes are tied," Hall said of her children. Shareif is the youngest. "Before they go out to play, before anything."

Russell Figueira, Septa's director of safety and risk management, earlier in the day first advanced the theory that Shareif's shoelace was untied.

Figueira at first said he did not remember reviewing and editing Septa's reports about the accident, until his signature on the documents was shown to him.

Figueira, who has worked for Septa since 1986, said he had been out sick, suffering from the hip and thigh condition sciatica, just before the accident.

"I was taking painkillers and muscle relaxers," Figueira said, explaining his bad memory. "I was supposed to be home in bed. I was in very bad shape."

Figueira said he had not reviewed any of the reports in the days leading up to Septa's day in court last week.

Common Pleas Judge Frederica A. Massiah-Jackson ordered Figueira on Thursday to go back to his office, across the street from the City Hall courtroom, and search for any documents about the accident Septa had not turned over to the Hall family's attorneys or the lawyers for the agency's co-defendant, Schindler Elevator Corp., of Morristown, N.J., which manufactured the escalator.

Figueira returned with a canary yellow file folder stuffed with more than an inch and a half of documents, surprising the judge and other attorneys.

Massiah-Jackson later released Schindler Elevator Corp. from the lawsuit, ruling that the company's ability to defend itself had been compromised by Septa not releasing the reports earlier.

[Thomas Kline](#), the attorney representing the Hall family, has asked Massiah-Jackson to find Septa in contempt of court and to fine the agency \$1 million for withholding the documents.

The judge is still considering that request and will probably rule on it this week.

Among the reports were:

A May 1994 Septa report to an assistant general manager, with the first line saying: "As we have discussed, the condition and maintainability of the [subway and elevated train's] 27 escalators is poor and getting worse at an ever increasing rate."

That report also said only a third of annual escalators inspections required by Septa policy had been done that year and six of the escalators had not been checked in four years.

A report written for Septa's escalator and elevator task force 19 days before Shareif Hall's accident, detailing the condition of the 15 escalators on the Broad Street line. Two were listed in "good" condition, six were listed as "fair," six needed repairs and one, out of service for nine years, was "beyond repair."

A Septa report written two days after the accident, advancing the snagged-shoelace theory, also noted part of the escalator, called the "comb teeth" was damaged, possibly during the accident.

That report said Septa employees "visually check" each escalator every day and do a full inspection once a month.

A Septa final report, marked "confidential," from May 1997, saying the combteeth may have been a "contributing factor" in the accident but again pushing the shoelace theory.

Thomas Kline, the attorney representing the Hall family, asked Figueira if he would consider Septa's escalator maintenance "a disgrace."

Figueira grudgingly agreed with the characterization.

Assuming this is accurate, it's difficult to comprehend," said Figueira of the reports, before explaining his employees were called in to compile the final report about the accident but did not investigate it and knew little about escalators.

Septa wanted the report written by a group not involved in escalator maintenance, he said.

Figueira's testimony prompted a tense moment in court when, under questioning by Septa attorney Leon Tucker, he said a piece of white shoelace found after the accident could have been what snagged from Shareif Hall's shoe.

Kline showed him a set of black shoelaces, seemingly torn from the boy's black sneakers and still tied with a double-knot.

Several members of the jury started laughing and Tucker stood, demanding a mistrial and accusing the judge of snickering.

"I have not snickered, Mr. Tucker," Massiah-Jackson said, denying Tucker's second mistrial request of the day. "The jury's falling out of their chairs, but it wasn't me."