

SEPTA will pay \$7.4 million to settle lawsuit

The family of the boy whose foot was severed by subway escalator was "very pleased" with the terms. Earlier, a judge reduced a fine against the agency for contempt.

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Reeling from last month's \$51 million jury verdict for a 1996 subway escalator accident, SEPTA agreed yesterday to pay \$7.4 million to settle a lawsuit filed by the family of a boy whose right foot was sheared off. In an abrupt change of tactics, SEPTA officials and lawyers for the agency approached the attorney for the boy, Shareif Hall, now 7, earlier this week about settling the case. At an impromptu news conference late yesterday afternoon, both sides agreed to the \$7.4 million figure.

SEPTA-which had hinted that it would appeal the judgment-said the settlement would not result in a fare increase.

"We are serious about change," SEPTA general manager Jack Leary said outside a City Hall courtroom. "There were things broken at SEPTA, and we have made a very, very strong commitment to fix them."

Earlier in the day, Common Pleas Court Judge Frederica A. Massiah-Jackson agreed to reduce to \$100,000 the \$1 million contempt-of-court fine she had imposed on Dec. 20 against SEPTA for withholding key documents in the case and for tampering with evidence after the accident to make it appear that the incident had been the boy's fault.

"I'm willing to amend the fine, but I cannot stress enough how serious I felt that SEPTA gave up its responsibility to the court and disrespected the court process," she said.

The judge said she saw "tangible evidence that SEPTA was serious" last week when the agency hired James B. Jordan, a former deputy city solicitor and integrity and accountability officer for the Philadelphia Police Department, to revamp its legal department and claims management efforts. "I have the highest regard for Jim Jordan's integrity and his established track record," Massiah-Jackson said. "Shareif Hall suffered, but maybe some good will come out of all of this."

Hall's attorney, [Thomas R. Kline](#), said Shareif and his mother, Deneen Hall, were "very pleased" with the settlement and "grateful to put this behind them and go on with Shareif's life."

Kline called the \$51 million verdict "symbolic of a jury's determination that SEPTA needed to fix its act. This case stood for change, and along the way we compensated a little boy who desperately needed help."

The jury had awarded Shareif \$50 million and his mother, Deneen, \$1 million-plus \$65 for the sneakers that the boy was wearing on Nov. 16, 1996, when his foot was severed by a malfunctioning escalator at the Cecil B. Moore subway station on North Broad Street.

Under state law, the Halls' injury claim was capped at \$250,000-the amount allowed by the Pennsylvania legislature to be paid on legal claims against city and state agencies.

"Here Shareif Hall is compensated 30 times the legal cap to settle this claim, while the riders of SEPTA and the public won't be affected one dime," Kline said. "It's a wonderful victory for the Hall family and the riders of SEPTA because SEPTA has now said they are going to change." Kline said the settlement talks occurred "literally over the last 36 hours...There was no haggling and very little negotiations." "Our job in the case was not to destroy SEPTA," he said. "Our job was to effectuate change. Most important to me is that SEPTA is committed to fixing the escalators."

"When we looked at the figures, we took SEPTA at their word, that a \$51 million verdict would break the system. The number we were thinking of and the number SEPTA was thinking of was pretty much in the same ballpark." In his remarks, Leary reiterated that some employees might lose their jobs if they are found to have deliberately withheld documents in the case. He also said changes in SEPTA's legal department were likely.

"SEPTA has heard, and is responding, to the clear message sent both by this lawsuit and the contempt sanctions issued by Judge Massiah-Jackson," Leary said. "We are pleased this matter has been resolved in such a way as to not require any fare increases or service reductions. It will require a little belt-tightening at SEPTA."

After the jury's verdict, SEPTA hired former Temple Law School dean Carl E. Singley, former Chief Federal Judge Edward N. Cahn, and former Superior Court Judge D. Donald Jamieson to oversee the agency's investigation of the withheld documents and tampered evidence. That panel hired former Deputy Mayor David L. Cohen as its attorney.

During the trial, SEPTA failed to turn over major documents relating to the case, including a May 1994 report that stated that the Cecil B. Moore escalator and others were dangerous.

The judge fined the agency \$1 million for contempt of court, saying that the paper trail SEPTA had tried to bury "established, without any doubt, that SEPTA's management at the highest levels" knew about such internal documents.