

## More Than Escalators Out of Whack at SEPTA



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I usually deplore exorbitant jury verdicts as the counterproductive excesses of a litigious society.

But if yesterday's award of more than \$51 million wipes the arrogant smirk off the faces at the Sorry Excuse for a Public Transportation Authority, then it'll be worth every penny.



SEPTA's response to the horrible accident in which a little boy lost his foot in an escalator at the Cecil B. Moore subway station in 1996 has been reprehensible from the start, revealing an agency that's morally bankrupt and possibly incompetent as well.

When Shareif Hall got his sneaker caught in the escalator, which resulted in the amputation of his foot, SEPTA had in hand a report declaring that, without repairs to the "step chain," the escalator in question was unsafe to operate.

The report was dated 19 days before Shareif, then 4 years old, got on the escalator with his mother and brother on their way to buy a turkey for the family's Thanksgiving dinner.

But despite evidence of the agency's own culpability, SEPTA responded to the lawsuit filed by the boy's mother, Deneen, in a chilling way: It filed a counter-suit against her, claiming it was her negligence in not properly supervising the boy that caused the accident.



**This photo of Sharief Hall shortly after the loss of his right foot was shown to the jury during the trial**

Deneen Hall is a single mother of five children who works at a suburban department store and lives in a two-bedroom apartment in North Philadelphia.

So, just what did SEPTA think it was going to collect in its lawsuit against her? The contents of her Swiss bank account?

Obviously, SEPTA's intent was to intimidate Hall into dropping the proceedings or perhaps to accept whatever financial settlement was being offered.

"I agree it was harassment and intimidation of her, and it is the kind of treatment that persons who bring claims against SEPTA are used to receiving," said Hall's attorney, Thomas Kline.

"This mom did absolutely nothing wrong."

SEPTA continued to insist that the boy got his untied shoelaces caught in the escalator, offering a mangled white shoelace as evidence at trial. Kline rebutted by presenting the black shoelaces from the sneakers the boy was wearing that day, still double-knotted.

Meanwhile, as the case unfolded in court, it became clear that SEPTA had withheld the above-mentioned report and other documents detailing the safety problems on the system's escalators.

Twice during the trial, SEPTA witnesses who took the stand were directed to leave and come back with whatever reports they could find that were relevant to the case. Both times they returned to court with thick files containing pivotal documents that had never been turned over to the defense.

SEPTA insists it was "oversight" and not an attempted cover-up that was responsible for the missing documents.

And in a statement released after the verdict, the agency continues to posture self-righteously in an effort to deflect blame.

"SEPTA is anxious to accept *its share* of responsibility for the accident. . ." the statement said. The italics are mine. The statement continues:

"For the plaintiff's attorney, however, Mr. Kline, to blatantly play to the heartstrings of the jury, labeling SEPTA, in his words, as callous, reckless, uncaring and evil is - shameful on his part."

What's shameful is that a little boy wound up in the hospital after a presumably preventable accident, asking nurses heartbreaking questions.

"He asked on many occasions, 'Where is my foot? Can I get a new foot?'" Kline said.

SEPTA's statement also lambastes Kline for "seeking an award which would provide more money than any person could reasonably need. . ." and thereby forcing the case "into a lengthy appeal."

It's astounding that, under the circumstances, SEPTA thinks it has any right to moral outrage and to continue to insist, as Kline put it, "that I am the problem."

It's obvious that the escalators aren't the only thing broken over at SEPTA. The agency's moral compass is, too.

And if it takes a \$51 million payout to fix it, then so be it.