

Engineers' testimony traces the deterioration of Pier 34

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Two engineers underwent withering cross-examination yesterday as defense attorneys tried to show that the owner and operator of Pier 34 South worked diligently to stabilize the structure before its collapse.

Three New Jersey State Aquarium workers drowned the night of May 18, 2000, when the end of an aging Philadelphia pier holding the nightclub Heat pitched into the Delaware River.

The engineers testified at a preliminary hearing for pier owner Michael Asbell and Heat operator Eli Karetny. Asbell and Karetny each are charged with three counts of involuntary manslaughter, risking a catastrophe, criminal conspiracy, and 43 counts of reckless endangerment.

The preliminary hearing for Asbell and Karetny is scheduled to continue Dec. 11. Yesterday, witnesses testified about the deterioration of the pier.

Starting in 1994, when a different portion of the pier collapsed, specialty divers and engineers repeatedly examined the structure.

Asbell authorized corrective work and secured written warranties from contractors S.T. Hudson Engineering and now-defunct J.E. Brenneman Co.

But the testimony indicated that Asbell and Karetny did not choose the most thorough — and costly — of the engineers' recommendations. Some estimates of full repairs ranged from \$500,000 to \$1 million.

"Did they understand this wasn't going to be a cure-all?" asked Charles Gallagher, chief of the Philadelphia District Attorney's Office Homicide Unit.

"Absolutely, Fully," replied witness Robert Hudson, president of Brenneman.

But Karetny's attorney, Frank DeSimone, elicited testimony that Hudson never warned the defendants that a collapse was imminent and could offer them no firm assurances on his work.

"Even with those proposals, there was no guarantee?" DeSimone asked.

"No," Hudson responded.

"No matter what they did, you weren't going to guarantee that the pier wouldn't collapse?" DiSimone asked.

"That's right," Hudson said.

In May 1999, a year before that collapse, Hudson returned to the pier and said he was alarmed to spot a major crack — exactly where the structure eventually split open. He said he took Karetny to the spot and stood over the 1 1/2-inch fissure. The night of the collapse, the gap was described as 1 foot wide and 1 foot deep.

"We said, 'This is real serious, right here. ... Eli, this is pretty important,'" Hudson said, adding that Karetny referred then to Asbell who declined to do the suggested monitoring surveys.

"The first telltale sign that you have a problem is that cracks start to appear," Hudson testified. "Mr. Karetny was told to look for cracks."

In the days and hours before the collapse, prosecutors say the men were warned the pier was on the verge of failure after a gaping crack grew across the width of the pier.

On Tuesday, during the first day of the hearing, Lawrence Price, a Heat security employee, testified that less than three hours before the collapse, he helped place sheet metal over the yawning fissure.

A preliminary hearing is the defense lawyers' first opportunity to cross-examine witnesses, hoping to persuade the judge to reduce or toss out the charges.

DeAnn White, 25, and her New Jersey State Aquarium coworkers Monica Rodriguez, 21, and Jean Marie Ferraro, 27, were killed in the collapse. The trio had gone to the nightclub to celebrate White's birthday.