

2 will face trial in 3 pier deaths

Pa. high court orders charges against owner, club manager



By SIMONE WEICHSELBAUM
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DISTRICT Attorney Lynne Abraham was graphic in her description of how three young women died five years ago when Pier 34 collapsed into the Delaware.

She told how the three had been plunged into the "darkness and the coldness of the water," where they were "drowning in the dark waters."

She was commenting yesterday on a ruling by the state Supreme Court ordering a criminal trial for two men involved in the operation of the Penn's Landing pier.

Michael Asbell, owner of the pier, and Eli Karetny, operator of Club Heat, on the pier, have already paid out \$29.6 million to the families of the victims in a legal settlement. They could now face serious jail time.

The high court ordered that the men be tried on charges of risking a catastrophe and conspiracy, felony accusations that had been thrown out by a lower court judge in 2002. If convicted, the pair could face seven years in prison for each count.

The court ruled that the men ignored problems at the pier that led to the collapse the night of May 18, 2000. The incident at Club Heat also injured 43 others.

"The actual evidence... tended to show that, for approximately five and one-half years [Karetny and Asbell] allowed the structural soundness of their pier to steadily decline in large part because of the cost to repair it satisfactorily," wrote Justice Ronald D. Castille.

Castille's opinion describes how some damage to the pier occurred in 1994, after which experts issued a series of warnings about its structural condition.

The day of the collapse, marine-construction inspector Jess Tyson had "predicted with uncanny accuracy" the time when it would occur, based on the tides, Castille wrote.

In response to the warnings, Karetny allegedly had employees hide cracks in the deck with a rug and flowerpots, Castille wrote.

Killed in the collapse were DeAnn White, 25, of Philadelphia, and Monica Rodriguez, 21, and Jean Marie Ferraro, 27, both of Cherry Hill.

The three, all employees of the New Jersey State Aquarium, were celebrating White's upcoming birthday.

They suffered head injuries and drowned in the river amid falling timbers, tumbling furniture and screaming victims.

Abraham and Hugh Burns, chief of the D.A.'s appeals unit, spoke with reporters yesterday about the court decision.

The D.A.'s office had appealed the ruling in 2002 by Common Pleas Judge Benjamin Lerner throwing out the felony charges. Lerner had ruled that the law requires the use of fire, explosives, or other dangerous means to justify a charge of risking a catastrophe.

"Today the Supreme Court unanimously held that we were correct," Abraham said. "We provided substantial evidence. No court ever looked at this case like how we presented it."

She added that the ruling will "vindicate the rights of the victims."=

"The victims and the survivors of the deceased three ladies had to wait five years for this day," she said. "We are heartened that the three deceased [women's] families... can now see that the case is in a posture to go to court and be tried."

Asbell and Karetny also face 48 misdemeanor charges, including involuntary manslaughter, conspiracy and reckless endangerment.

In 2004, the families of the three women and 40 of the injured reached a \$29.6 million settlement with Asbell, Karetny and other defendants named in dozens of civil law suits.

The families of the three victims each collected \$7.4 million.

Abraham said the two men are scheduled in Common Pleas Court on Dec. 13 for a status hearing in which a judge will make sure there is enough evidence to proceed with the trial.

Burns, who fought for three years to bring the appeal of Lerner's ruling to the state's highest court, said he was "relieved that it is over."

"This was the last ditch for us," he added.

Eileen Ferraro, mother of Jean Marie Ferraro, said the ruling "came out of the blue," but she and her husband, John, are "very pleased" with it.

"What we're looking for is just someone to be accountable for what happened, for the girls," she said.

She thanked the D.A.'s office for working so hard on the case. "We met before the Supreme Court in May. I didn't expect [a decision] this soon," she said.

[Thomas Kline](#), the lawyer who won the civil case for the victims, said, "This is not a day of celebration, but a day of gratification.

"The biggest hurdle has been cleared. All the legal hurdles are cleared by this opinion."

He praised Castille, former Philadelphia D.A., for writing the 28-page opinion. He predicted it will make an "easy case" for the D.A.'s office.

"Now the only issue is whether a jury will convict" the defendants based on the evidence.

Lawyers for Karetny and Asbell could not be reached for comment.