

Victim's family awarded \$1.2 million in roof collapse

Woman was killed when 2002 storm hit Kennywood

By Gabrielle Banks, Pittsburgh Post-Gazette

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An Allegheny County Common Pleas jury yesterday awarded \$1.2 million to a Monroeville couple whose daughter was killed five years ago when a roof broke loose at Kennywood Park.

Theirs was the last of several lawsuits against Kennywood by patrons injured by flying debris in a May 31, 2002, storm. The other injured park-goers settled out of court. Stephanie Wilkerson, 29, was the only fatality and her parents' suit was only one to go to trial.

Administrative Judge R. Stanton Wettick Jr. split the case in two, asking the jury this week just to determine damages suffered by the Wilkersons when the wooden pavilion sheltering the Whip collapsed onto their daughter, crushing her skull.

The judge decided that any liability on the part of Kennywood or the Landeau Building Co., which built the pavilion in 1994, should be assessed at a future proceeding in which the victim's parents will seek punitive damages. The court will determine at that hearing what percentage of \$1.2 million is owed by the amusement park and what percentage is owed by Landeau.

Jurors deliberated 3 1/2 hours yesterday before returning their verdict on the loss to the Wilkerson family.

Earlier in the week, a defense expert testified that the victim died instantly. Former Allegheny County Coroner Cyril H. Wecht testified as an expert for the plaintiffs that Ms. Wilkerson lived for a short time after the accident and would have suffered pain.

Helen and Sylvester Wilkerson testified about the depth of their loss and grief they've endured after losing their daughter, who lived at home with them. They declined to comment after the verdict.

The jurors awarded money to compensate for lost future wages, services and for the loss of "comfort and society," but they apparently did not agree with Dr. Wecht's testimony that Stephanie Wilkerson lived long enough to suffer pain. They did not award damages for any pain and suffering endured by the deceased, although they awarded money on every other count charged.

David B. White, the attorney representing Kennywood, called it "a terrible tragedy for the Wilkersons" and said he considered it "an appropriate verdict."

Peter J. McAneny, Kennywood president, said: "Our thoughts and prayers continue to be with the Wilkerson family. We know that no amount of money can replace their loss or remove their pain."

Mr. White said, "The real issues come when we get an opportunity to review whether Kennywood was at fault." He said, at the liability proceeding he is prepared to present evidence that tornado-level winds toppled buildings and blew off roofs around the Homestead and West Mifflin area that day and that his client could not be at fault in such extraordinary circumstances.

The Wilkersons will seek to show reckless conduct by the park and the builder at the next phase, said **Thomas R. Kline**, of Philadelphia-based firm Kline & Specter. He said the plaintiffs will show that the pavilion that collapsed was built with posts that did not meet the building code, using sketches rather than formal architectural plans and without the proper permit.

Ms. Wilkerson graduated from Gateway High School in 1992 and earned two associate degrees at the Boyce campus of CCAC. She volunteered in the Discovery Room of the Carnegie Museum of Natural History, in Oakland, and worked for several years in the government operations division of the Mellon Client Services Center, Downtown.

She was an officer at Bethel AME Church in Monroeville and a devoted aunt who loved taking her nieces and nephews to museums.

She was also an avid reader. She was headed to a locker to retrieve a book while her friends waited in a long line for the Exterminator when the accident happened.

"She was a wonderful young woman whose life was tragically cut down," Mr. Kline said.