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Jury Awards \$8M for Victims of Fatal Factory Shooting

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Of the Legal staff

The family members of two Kraft factory workers who were fatally gunned down by a disgruntled employee have received an award of more than \$8 million from a Philadelphia jury.

On Thursday afternoon, the jury found in favor of the estates of LaTonya Brown and Tanya Wilson, and against shooter Yvonne Hiller and U.S. Security Associates Inc., the company that provided security at the factory, for a total of about \$8 million. According to a spokesman with Kline & Specter, which represented the plaintiffs, arguments are set to take place today over the plaintiffs' punitive damages claims.

Shanin Specter, Dominic Guerrini and Patrick Fitzgerald of Kline & Specter represented the plaintiffs in the consolidated cases of *Wilson v. U.S. Security Associates* and *Masciantonio v. U.S. Security Associates*. Robert G. Devine of White and Williams represented the security company at trial. Hiller was not represented.

The case was tried before Philadelphia Court of Common Pleas

Judge Frederica Massiah-Jackson, Specter said.

"The children of LaTonya Brown and Tanya Wilson are gratified by the jury's verdict and hope this will serve as a wake-up call to U.S. Security to properly train and supervise their security guards," Specter said in an emailed statement.

According to the plaintiffs' pre-trial memo, which was filed by Stephen J. Devine of Kenneth R. Schuster & Associates, Wilson and Brown were fatally shot by Hiller on Sept. 9, 2010, after Hiller had been suspended from working at the plant. The plaintiffs contend in the memo that security company officials knew Hiller was troubled, but failed to properly escort Hiller to her car after she was suspended. This, according to the plaintiffs, allowed Hiller to re-enter the plant with a .357 Magnum revolver and kill Brown and Wilson.

The memo said that, while the guards should have watched Hiller as she drove off the premises, she instead drove up to a security post unobserved, surprised the guards and then gained entry to the facility.

"USSA's untrained and inexperienced security guards then failed to follow additional protocols, including remaining calm and calling 911, or take any action to notify

workers inside the plant that Hiller had returned with a gun," the memo said. "Instead of remaining calm and taking measures to prevent the loss of life, they lost all semblance of poise, and paradoxically afforded Hiller all the time she needed to perpetrate her killings."

Hiller was later convicted of killing the two.

A pretrial conference memo from U.S. Security Associates, which was filed by attorney Jay L. Edelstein of Edelstein Law, noted that Hiller had been convicted of the crimes, and said the company's liability was disputed in the matter.

The plaintiffs, in their memo, contended the security company employees had notice that Hiller could potentially be violent and that she had conflicts with other employees.

The memo further said security company employees failed to maintain a steady watch over Hiller, and failed to properly notify or advise those in the facility that Hiller had entered carrying a gun. The plaintiffs further alleged the company failed to properly train and drill the employees.

"Hiller was neither walked to her car nor was she watched once she went to the employee parking lot

where her car, and inside a handgun, were located," the memo said. "Those breaches of duties of care owed under the circumstances alone constitute negligence."

The plaintiffs' memo additionally cited an expert report that said the security guards failed to follow the security program in place at the Kraft plant, which could have prevented the incident.

The plaintiffs' memo also notes three experts regarding the plaintiffs' pre-impact emotional distress, conscious pain and suffering, and economic losses.

Brown was survived by four dependent children, and Wilson left three dependent children after her death, the memo said.

According to the memo, each estate demanded \$5 million.

The jury attributed 70 percent liability to Hiller and 30 percent liability to the security company for the deaths.

To the estate of Brown, the jury awarded \$2 million for loss of parental guidance, and \$2 million for conscious pain and suffering, disfigurement and economic loss. The jury also awarded \$1.2 million to the estate of Wilson for loss of parental guidance, and \$1.5 million for conscious pain and suffering, disfigurement and economic loss.

The jury additionally awarded \$600,000 to Brown's estate and \$720,000 to Wilson's estate for fear that the decedents suffered. According to the jury sheet, those awards are only against Hiller.

An email statement from a spokeswoman for U.S. Security Associates said company officials sympathize with the victims' families, but believe fault lies solely with Hiller.

"U.S. Security Associates believes that the responsibility for the tragedy lies solely with the victims' co-worker, the woman who committed the crime and was convicted of first-degree murder and imprisoned," the statement said. "USSA personnel on duty at the facility that night made reasonable decisions and performed to the best of their abilities, even though their own lives were endangered."