



Jury Awards \$40M In Damages In Kraft Foods Plant Shooting

By Emily Field

Law360, New York (March 31, 2015, 1:35 PM ET) -- A Philadelphia jury on Monday awarded nearly \$40 million to the families of two women killed in a workplace shooting at a Kraft Foods Inc. plant against the security company whose employees guarded the facility.

The jury awarded the families of Tanya Wilson and LaTonya Brown, shot and killed by their co-worker Yvonne Hiller in 2010, \$38.5 million in punitive damages against U.S. Security Associates Inc. In February, the jury had found that U.S. Security Associates' negligence contributed to the women's deaths, and awarded their families \$8.02 million in compensatory damages against the security company and Hiller, making it a total of \$46.5 million in damages to the families.

Hiller was suspended from her job at Kraft after fighting with her co-workers during the night shift on Sept. 9, 2010, according to the complaint, and was supposed to be escorted to her car by a U.S. Security employee. However, the guard left her in the parking lot and didn't make sure that Hiller left, the complaint said.

Hiller instead got a .357 Magnum from her car, returned to the plant's security gate and demanded at gunpoint to be let into the plant, the suit said.

The guard who was supposed to escort her off the premises saw her with the gun and ran away, the complaint alleged.

The guard who let Hiller in, instead of following emergency protocols, paced back and forth, giving Hiller enough time to go up to a break room on the third floor and shoot and kill Wilson and Brown and wound another Kraft employee, Dalton Brown, according to the complaint.

"This case sends an important message to this security company that their guards can't simply run away from their posts, they have to actually act like security guard," Shanin Specter, counsel for the plaintiffs, told Law360 on Tuesday.

The guard who let Hiller in tried to call 911 on the company, according to the complaint, but didn't get through. He also didn't immediately call the plant's security tower, in defiance of security protocols, the complaint said.

The security guards additionally failed to warn Kraft employees through the emergency speaker system or the walkie talkie system that Hiller was in the plant and was armed and dangerous, according to the complaint.

A spokeswoman for U.S. Security told Law360 on Monday that two guards were able to call 911 on their cell phones within two minutes of Hiller's entry and that the guards were not allowed to use the public address system. The guards also weren't told or that Hiller posed a threat, according to the spokeswoman.

The guards could also see Hiller's behavior inside and outside the plant on video monitors, the complaint said.

The suit asserted negligent wrongful death and emotional distress claims against U.S. Security.

In February, the jury found that Wilson and Brown's deaths were 30 percent attributable to U.S. Security's conduct and 70 percent attributable to Hiller, who was also named in the suit.

A spokeswoman for U.S. Security told Law360 in a statement on Tuesday that the company is disappointed in the verdict and intends to appeal on grounds that the presented evidence wasn't sufficient for a punitive damages award under Pennsylvania law.

"U.S. Security Associates believes that its personnel on duty on the night of the North Philadelphia shooting made reasonable decisions and acted with courage in the face of a direct threat to their own lives. In no sense did they or USSA display an intentional disregard for the safety of others," the spokeswoman said in a statement. "At the same time, the people of USSA sympathize deeply with the families of Tanya Renee Wilson and LaTonya Sharon Brown, the two women who died in the shooting, and with Bryant Dalton, who was severely wounded."

The families are represented by Shanin Specter, Dominic Guerrini and Patrick Fitzgerald of Kline & Specter PC and Stephen Devine of Kenneth R. Schuster and Associates.

U.S. Security is represented by Jay Edelstein and Kelly Czajka of Edelstein Law LLP, and Michael Horner and Robert Devine of White & Willaims LLP.

The case is Wilson et al. v. U.S. Security Associates Inc et al., case number 111000971 in the Philadelphia Court of Common Pleas.