

All defendants found liable in deadly '13 Philly building collapse

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Reviewing 15 weeks of trial testimony in just four hours, a Philadelphia jury on Tuesday found that all five defendants, including the Salvation Army, bore responsibility for the 2013 building collapse that crushed the charity's thrift store in Center City, resulting in the deaths of seven people.

Word that the jury had a verdict, announced in City Hall's Courtroom 653 about 4:30 p.m., appeared to stun Common Pleas Court Judge M. Teresa Sarmina and the score of lawyers involved in the civil trial. Some lawyers were not present in the courtroom. None of the collapse survivors or relatives of the victims were there when word came.

Nearly a half hour later, the jury of seven men and five women were escorted into the cavernous room to begin the 15-minute process of reading the answers to more than 30 questions on a seven-page verdict sheet.

All the principals were found to have played a role in the June 5, 2013, disaster and all but one, demolition contractor Griffin Campbell, to have exhibited negligent and outrageous conduct that showed “a reckless indifference to the interest of others.”

Six people were killed instantly and 13 were injured that day. One of the injured died 23 days later.

Those whom the jury said will have to pay damages were:

- Richard Basciano, 91, the wealthy New York real estate developer whose building undergoing demolition collapsed, crushing the thrift store at 22nd and Market Streets. The lawsuits contended he hired a cheap, inexperienced contractor to do the demolition.
- Plato A. Marinakos Jr., the Center City architect whom Basciano and his STB Investments Corp. hired to monitor demolition of the four-story Hoagie City building. It was Marinakos who recommended Campbell for the job. According to

trial testimony, Marinakos knew the building was near collapse and told no one.

- The Salvation Army. Although the Salvation Army lost the store and two of its employees in the disaster, the lawsuits contended it also was liable because its officers ignored warnings of danger and a potential collapse from Basciano's top aide, Thomas Simmonds.

The jury found that the only two men criminally charged and convicted in the collapse, Campbell and excavator operator Sean Benschop, were the least responsible for the purposes of assessing damages. Both men are serving long prison terms and are considered penniless.

Of all the defendants, the Salvation Army could be impacted most significantly by the verdicts. In apportioning responsibility for the harm caused to the shoppers in the collapse – five who died and seven injured – the jury found that the Salvation Army bore 75 percent of the liability, Basciano 5 percent, and his STB Investments Corp. 13 percent.

The jury found Marinakos bore 5 percent of the liability, and Campbell and Benschop just 1 percent each.

Legally, the two Salvation Army employees killed and five injured were not permitted to sue the charity for damages. For the employees, the jury found that Basciano and STB were each liable for 34 percent of the responsibility and Marinakos 30 percent. Again, the jury found that Campbell and Benschop were each responsible for 1 percent.

Although Basciano is considered to be a multimillionaire, the Salvation Army has the deepest pockets among the defendants. According to the charity's 2015 annual report on its website, the national organization has \$14.8 billion in assets and took in \$2.9 billion in revenue. Sixty-two percent of the revenue came from direct public support and 21 percent from its thrift stores.

Sarmina told the jury to return to court on Friday to begin a damages phase in which jurors will decide how much money each defendant should pay.

None of the lawyers or principals in the trial was permitted to comment, bound by an absolute gag order Sarmina imposed before the trial began.

Of the defendants, only Marinakos was present for the verdicts, sitting alone, quietly, near the rear of the courtroom.

On the other side, sat former city treasurer Nancy Winkler, whose 24-year-old daughter, Anne Bryan, was

among the dead. Winkler, who attended virtually every day of the trial since it began Sept. 19, literally ran through City Hall to the courtroom after receiving word that the jury had reached a verdict. Her husband, Jay Bryan, joined her a short time later.

On the day of the collapse, an unsupported three- to four-story brick wall remaining from a vacant Hoagie City building under demolition loomed over the one-story Salvation Army store. As Benschop's excavator picked at another part of the building, the wall toppled and crushed the thrift store.