

## Lawyer for 2013 building collapse victims: 'Salvation Army failed them all'

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Only two people were criminally charged, convicted, and sentenced for causing the deadly 2013 collapse that crushed the Salvation Army thrift store in Center City.

On Monday, lawyers for the six people killed and 13 injured on June 5, 2013, told a Philadelphia jury that they would prove that a wealthy New York City property owner and the Salvation Army itself were also links in a long chain of recklessness and gross negligence that ended in the disaster.

"It wasn't just what [one man] did that day, it's what happened days and months before that," lawyer Robert J. Mongeluzzi told the Common Pleas Court jury that will decide who, if anyone, is liable financially for the deaths and injuries.

The trial consolidates a score of lawsuits filed on behalf of those killed and injured when an unsupported three- to four-story wall at a demolition site toppled and crushed the one-story thrift store at 22nd and Market Streets. One of the injured died 23 days later.

Mongeluzzi spent about two hours in his opening statement telling the jury of six men and six women that they would be the first Philadelphians "to hear from everyone" involved in the collapse.

He told the jury that novice demolition contractor Griffin Campbell and excavator operator Sean Benschop, both convicted of involuntary manslaughter and other charges - and the only people criminally charged in the collapse - were "clueless and grossly negligent," but added: "So was everybody else involved in this plan."

Mongeluzzi was the first of three plaintiffs' lawyers who made opening statements in the first day of a trial expected to last months.

On Tuesday, the defense has its openings on behalf of those being sued, including: New York real estate speculator Richard Basciano, who owned the building being demolished that fell on the thrift store; Basciano's on-site demolition architect, Plato A. Marinakos Jr.; and the Salvation Army, which lawsuits contend opened the thrift store that day despite email warnings from Basciano employees that the wall

above the store was in danger of collapse.

Campbell and Benschop also are being sued, but both are serving long prison terms and are considered indigent.

Judge M. Teresa Sarmina is presiding over the trial in the cavernous Courtroom 653 in City Hall, likely the first time that all the major players have gathered in one room.

Seated Monday in the first row of the gallery, to the right of the jury box, were former city Treasurer Nancy Winkler and her husband, Jay Bryan, whose 24-year-old daughter, Anne Bryan, an art student, died in the rubble with a friend, Mary Sampson, 24.

Mariya Plekan, 54, the most grievously injured - both legs were amputated at the hip after she survived almost 13 hours in a pile of debris - sat in her motorized wheelchair, a friend by her side.

One by one, the lawyers introduced them and the other survivors and

Relatives of those killed.

Seated quietly in the front row of the gallery on the courtroom's other

side were representatives of the Salvation Army and, alone and by himself, Marinakos.

Not present was Basciano, the 91-year-old self-made multimillionaire who in 2013 was trying to parlay his early career as New York City's storied "King of Porn" into a new role. Basciano wanted to develop a sparkling residential-commercial complex to replace a strip of run-down buildings he owned in the 2100 and 2200 blocks of Market.

It was the wall remaining from Basciano's four-story vacant Hoagie City building that destroyed the Salvation Army store.

Arrayed in front of the jury was a display of the finest forensic high-tech devices: a movie screen about 10 by 12 feet and seven conference tables full of lawyers, each equipped with its own desktop computer monitor.

Mongeluzzi said the evidence would prove that Basciano and his top aides never bothered to ask about the qualifications of Campbell and Benschop, and relied on the recommendations of Marinakos.

And Marinakos, he said, knew of the danger of the unbraced wall towering above the thrift store but never informed city officials, police, or the Salvation Army.

Mongeluzzi said the evidence would show that Salvation Army officials ignored threats and warnings about the danger from Basciano's property manager, Thomas J. Simmonds Jr.

"All of these people in the Salvation Army thrift store believed the Salvation Army was keeping them safe and would inform them of any damages they were aware of," Mongeluzzi said. "The Salvation Army failed them all."

Basciano and his aides and the Salvation Army have argued that the blame belongs to Marinakos - who was supposed to monitor progress of demolition of the Basciano-owned buildings - and Campbell and Benschop.

Simmonds, in a deposition last December, testified that his warning of imminent danger was only "puffing" - an attempt to persuade the Salvation Army to give Campbell's workers access to the thrift store's roof.

Lawyers Steven G. Wigrizer and **Andrew J. Stern** spent virtually all of their opening statements focusing on the Salvation Army, which they argued had "turned a blind eye" to the safety of employees and customers to avoid losing revenue from one of its most profitable thrift stores.