

Expert: Salvation Army had duty to close store destroyed in deadly collapse

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Lawyers for the Salvation Army have portrayed the charity as a victim of the 2013 demolition collapse that destroyed its Center City thrift store, killing two of its workers and four customers, and injuring 13 others.

But an expert on retail business operations told a Philadelphia jury Tuesday that top officials of the nonprofit should be held liable for damages in the collapse because they ignored warnings from owners of the demolished building.

The result, testified Robert Bartlett, was that the store at 22nd and Market Streets was open and busy on June 5, 2013, when an unsupported three- to four-story brick wall on the demolition site next door toppled and crushed the one-story store.

"The store should have been closed on or before June 4," Bartlett added.

Bartlett heads Bartlett Joseph Associates in San Rafael, Calif., an independent retail-industry management consulting firm. Bartlett also testifies as an expert in business-related

litigation and was called to testify by lawyer **Andrew J. Stern, who represents Mariya Plekan, the most seriously injured of the survivors.**

The 54-year-old Ukrainian immigrant had both legs amputated at the hip after being trapped for almost 13 hours in a pile of debris. Plekan was in court Tuesday in her motorized wheelchair, a friend by her side.

In his opening statement to the Common Pleas Court jury of six women and six men last week, Stern said the evidence would show that Salvation Army officials in West Nyack, N.Y., had traded emails for months with Thomas Simmonds, property manager for New York real estate speculator Richard Basciano and his STB Investments Corp.

STB owned the vacant Hoagie City building being demolished, and Simmonds' emails expressed anger and frustration at the Salvation Army's decision not to allow access to the thrift store's roof so demolition workers could more easily take down the wall.

In several emails, Simmonds warned that "people are going to be killed" and that there would be "headlines no one wants to see."

Salvation Army officials, however, never relayed any danger warnings to the supervisor and workers at the Center City store.

Bartlett said that failure to report violated the Salvation Army's own 2012 employee policy manual requiring employees to report any hazards to supervisors.

In deposition testimony cited by Bartlett, Maj. Charles Deitrick, the charity's general secretary for its adult rehabilitation centers, acknowledged that there was "no policy and no downward communication to the stores."

Another official, Maj. John Cranford, administrator of adult rehabilitation centers in Philadelphia, testified in a deposition that he believed that for the Center City store workers "there was no need to be informed."

Bartlett testified that at the very least, the Salvation Army should have had a structural engineer or other "competent professional" on site monitoring demolition begin-

ning June 2, three days before the collapse.

By refusing to close the store, Bartlett testified, Salvation Army officials undermined the reputation that brought customers into their thrifts.

"This was a trusted brand that has been around forever," Bartlett added.

In addition to the Salvation Army, those being sued included Basciano and STB; Plato A. Marinakos Jr., the Center City architect whom Basciano and STB hired to monitor demolition; demolition contractor Griffin Campbell; and Sean Benschop, an excavator operator hired by Campbell to help knock down the remains of the Hoagie City building