

# SETTLED FOR \$29.6M

*Judgement ends Civil Phase of Deadly Pier 34 Tragedy*



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AFTER NEARLY four years and more than 40 civil lawsuits, someone finally took responsibility for the tragic Pier 34 collapse that killed three young women and injured dozens of others.

Attorneys [Tom Kline](#) and Bob Mongeluzzi announced yesterday they'd settled all the civil cases for \$29.6 million against at least a dozen defendants and their insurers.

While the settlement is not an admission of guilt, it's pretty close, Mongeluzzi said. "The defendants are not going to pay nearly \$30 million for something they're not responsible for," he said.

More than anything, the attorneys said they're happy they accomplished what the families asked them to.

"We uncovered what happened, and we uncovered why it happened, and the city now requires pier inspections that will prevent it from happening again," said Mongeluzzi, who was co-lead counsel on the case with Kline.

"The difficult part is that the death of a child can't be compensated," he said. "The loss is just too great."

The families of the women who died did not want to comment on the settlement.

"All three families have agreed to the settlement, and they have recognized that this phase of the long, hard process following their daughters' deaths is now complete," Kline said.

The criminal phase for what happened that night is still in legal limbo. The civil settlement has no effect on that process.

The settlement was reached yesterday morning, on the eve of a pre-trial conference. It was against the architects, the engineers, the builders and the contractors, as well as the owners and operators of the nightclub and the pier and the city of Philadelphia.

Those companies included HMS Ventures, the company that owned the Moshulu and Heat Nightclub and leased Pier 34; and Portside Investors, the company that owns Pier 34. Campbell's Soup heiress Dorrance H. "Dodo" Hamilton is vice president and the funding source behind HMS, which stands for Her Majesty's Ship.

Much of the amount will be paid by the insurance companies for the various defendants, said Common Pleas Judge William Manfredi, who supervises the civil division and oversaw the settlement. The city's portion is capped at \$500,000 under the political subdivision tort claims act, which is state law.

The families of the three deceased women will get \$7.4 million each, while the remaining 25 percent will be put into a fund and divided among the 40 or so injured, Kline and Mongeluzzi said.

On Aug. 21, 2001, District Attorney Lynne Abraham charged Michael Asbell, head of Portside, and Eli Karetny, the head of HMS, with risking a catastrophe and conspiracy, both felonies, and a slew of misdemeanors, including involuntary manslaughter. Common Pleas Judge Benjamin Lerner threw out the felony charges in 2002, a decision that was upheld by the state Superior Court in October by a 2-1 vote.

Abraham is appealing that ruling, which means the criminal case is on hold until the issue is resolved.

The three women who died were at Heat that evening celebrating White's upcoming birthday and Rodriguez's first day of work when the pier collapsed and they plunged into the Delaware River.

The tragedy sent multiple agencies looking for answers. Before the collapse, the city's 147 piers were unregulated. Since then, the city's Department of Licenses and Inspections has taken on the job and has trained inspectors and requires underwater structural reports.

In June 2000, a local grand jury began meeting to hear testimony on the collapse. Civil suits by Kline and Mongeluzzi soon followed, which led to thousands of documents being obtained through discovery. Between 40 and 50 people were deposed, the attorneys said.

Taken together, the documents and depositions showed that the groundwork for the collapse was laid in 1994, when an 180-foot portion of Pier 34 collapsed into the river.

"We were able to establish through the documents and the testimony that the pier was in desperate shape and in poor condition and that a decision was made to repair it in 1995," Mongeluzzi said.

"And that decision to repair and the plan to repair is one of the major factors as to why this collapsed," he said. "They essentially chose a cheap, ill-advised repair plan that was nothing more than a self-described temporary Band-Aid. The pier movement continued unabated and

clearly after that decision was made in 1995 it wasn't a question of if the pier was going to collapse, it was only a question of when."

In addition, warning signs the week before the collapse were ignored, Mongeluzzi said. The size of a crack went from 2 to 3 inches the night before the collapse to 9 to 12 inches the morning of the collapse, he said.

The operators of the pier had sheet metal put over the cracks and rugs to cover up the problem and opened up Heat that night, anyway, Mongeluzzi said.

Attorneys on both sides expressed gratitude to Judge Manfredi for orchestrating a complex settlement among many competing interests.

"He was able to take an incredibly challenging package and put together this very complex puzzle, and he did it well," Kline said.

John Ledwith, attorney for HMS Ventures, Karetny and Dorrance Hamilton; and Louis Bove, who represents Asbell and Portside, echoed his sentiments.

"We are pleased that the case is resolved, and we believe all credit goes to Judge Manfredi for the tremendous effort he put into managing a complex and multifaceted resolution," Bove said.

Manfredi said last night that he appreciated the comments but is most happy that they came up with a proper resolution.

"The whole thing was very sad and very tragic, and I just hope that this settlement will give closure to those people who suffered the most because of it," the judge said.