

3rd anniversary of pier collapse sees no answers for families

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It has been exactly three years since Pier 34 South and the nightclub Heat plunged into the Delaware River, killing three young women. But the search for whom to blame - who is culpable for the tragedy - drags on.

Criminal charges against the pier owner and nightclub operator are on pre-trial appeal to the state Superior Court. And more than 40 civil suits are pending, in part held up by the ongoing criminal case.

Through it all, three families linked by the tragedy continue to grieve. Monica Rodriguez, DeAnn White and Jean marie Ferraro - all coworkers at the New Jersey State Aquarium - plunged into the dark water as the pier collapsed.

"Sometimes, I feel like it just happened yesterday. But sometimes it seems like forever, because I miss her so much," said Mary Lou Rodriguez, mother of 21-year-old Monica.

The families of Monica Rodriguez and 27-year-old Ferraro will attend Mass together Sunday, to mark the anniversary of the tragedy, Mary Lou Rodriguez said.

Gail White Ramsey, older sister to 25-year-old White, said, "Another year -- where do we stand, and where do we go?"

The White family will gather Sunday night at the New Jersey State Aquarium to present awards and a Temple University scholarship organized in White's memory.

"We've tried to channel all of that pain and that frustration," Ramsey explained.

[Tom Kline](#), who represents the White family in its lawsuit said, "The White family, as well as the Ferraro and Rodriguez families, have been frustrated by the long process and the failure on the part of many parties who are responsible...to accept and shoulder responsibility" for the fatal collapse.

White, of Philadelphia, and Ferraro and Rodriguez, both from Cherry Hill went to the nightclub on May 18, 2000, to celebrate White's upcoming birthday. About 8 p.m., the eastern end on the pier broke away dumping dozens of patrons and employees into the chilly river near where the

Moshulu restaurant was then berthed. The three women all suffered head injuries and drowned amid the shattered glass and twisted debris.

Prosecutors believe pier owner Michael Asbell and nightclub operator Eli Karetny knew the century-old structure was on the verge of failure - a gaping crack across the width of the pier had widened, and an expert in pier construction claims he told Asbell and Karetny just hours before the collapse that the pier was on the verge of toppling "like dominoes."

Criminal charges against Asbell and Karetny remain bogged down in an appeal. According to Kline and Rodriguez, members of the District Attorney's Office have told the victim's families that their trial is unlikely to start until late next year or even 2005.

In June, Common Pleas Court Judge Benjamin Lerner threw out all felony charges against the men, ruling that the offense "risking a catastrophe" did not apply to the pier collapse. Lerner ruled the the law explicitly requires the use of fire, explosives, or other dangerous means.

Prosecutors, in a brief filed in March with the state Superior Court, want the charge - and a companion felony conspiracy charge - reinstated.

"They used the collapsing pier - a destructive force - for profit, aggressively promoting their business such that hundreds of unsuspecting people would be on the most dangerous part of the pier when it fell," prosecutors said in their written argument.

Thomas Berstrom, Asbell's lawyer, said it was inappropriate for the higher court to take up the matter, because the prosecution could proceed against the men on other charges. He said Lerner correctly interpreted the catastrophe law.

Before Lerner issued his ruling last summer, no Pennsylvania judge had ever had to determine whether "risking a catastrophe" can apply to a pier.

The [appeals] court will essentially be writing on a clean slate, because prior to now, the courts have focused on fire or explosives - something that can be used," Bergstrom said.

Karetny's lawyer, Frank DeSimone, declined to discuss the case because of the pending appeal.

If the prosecutors' appeal fails, they can take Asbell and Karetny to trial on the remaining misdemeanor charges: three counts of involuntary manslaughter, failure to prevent a catastrophe, misdemeanor conspiracy, and 43 counts of reckless endangerment.

Each reckless endangerment charge represents a nightclub patron, nightclub employee or rescuer who was injured.

Delays in the criminal case have also affected the progress of more than 40 lawsuits.

Because Asbell and Karetny face criminal trials, they cannot be forced to answer questions in civil depositions.

"The pending criminal charges are a cloud hanging over the civil cases," said Karetny's civil attorney, John Ledwith.

So attorneys on both sides have focused on interviewing witnesses and have collected thousands of documents on the pier's engineering and repair history.

"We haven't been sitting on our hands," said Bob Mongeluzzi, an attorney representing the victims' families and those injured in the collapse.

Kline, attorney for the White family, likened the case to a "very complicated puzzle."

Attorneys have been holding regular meetings with Common Pleas Court Judge Norman Ackerman. On May 6, Ackerman ordered that all pretrial investigation be completed by July 30.

There also have been efforts to settle all the lawsuits without going to trial, but that largely depends on the companies that insured the pier, nightclub and related businesses, Ledwith said.

"What the court is trying to do is get a pot of money together and get it divided among the plaintiffs," Ledwith said. Mongeluzzi said his clients would be open to settling the case.

"The Ferraros wanted two things: They wanted to find out what happened, and they wanted to make sure it didn't happen to another family. We're well on our way to finding out what happened," Mongeluzzi said. "It's never been about the money."

Mongeluzzi believes the pier's collapse can be traced back to on-the-cheap repair decisions after a partial collapse of the pier's parking area in 1994.

Engineers determined that the timber piles supporting the structure were beginning to tilt east, toward the river channel.

"The piles continued to lean out to New Jersey until that fateful day. In my opinion this wasn't something that happened that day or that week - this goes back to 1994 and 1995 and the decisions they made," Mongeluzzi said.

But Ledwith points to construction on the pier in the early 1990's, and suggests it did not conform to a 1988 engineering study of how much weight the pier could hold. "We're developing some interesting information," Ledwith said, "We're looking to be vindicated."