

City native bolsters 'Ruthian' reputation

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By ED CONRAD

Attorney gets \$40.5M settlement for Montgomery County explosion victims

A Hazleton native has enhanced his reputation as the "Babe Ruth" of the courtroom.

Attorney Thomas R. Kline has reached a \$40.5 million settlement in favor of six people who died and another six who were injured in a 2001 explosion and fire at a Montgomery County apartment complex. It was a case that underscored the perils of living in flood-prone areas.

Kline, a 1965 graduate of Hazleton High School, is affiliated with the Philadelphia law firm of Kline & Specter, his partner being Shanin Specter, the son of U.S. Sen. Arlen Specter.

Kline, the son of a dress factory manager and only the second in his family to attend college, had been nicknamed "Babe Ruth" for hitting home runs in the courtroom while representing the underdog.

In fact, the Philadelphia Daily News had summarized his career and willingness to represent the underdog in a profile entitled "Wheels of Justice."

Kline had defeated the Southeastern Pennsylvania Transit Authority (SEPTA) in one of his legendary cases, in which the Daily News described him as "the Babe Ruth of personal injury litigation."

In his recent case, the \$40.5 million settlement came after a summer of flood-related "death and destruction" across the country.

It could lead to a more cautious approach for development in areas vulnerable to flooding; according to Barry Seymour, associate director of the Delaware Valley Regional Planning Commission.

On a June night three years ago, heavy rains brought on by Tropical Storm Allison ravaged the Village Green complex along the Pennypack and Mill Creeks in Upper Moreland, as they had done several times before.

In Building A, floodwaters rose to the ceiling in the basement laundry room and, in the process, dislodged a gas dryer, creating a gas leak.

Outside, nearly afoot, of rain had turned the parking lot of the 23-building complex into a lake.

About two hours later, after residents first reported noticing a strong gas odor, Building A exploded as some of its residents waited in second-floor windows to be rescued by firefighters in boats below.

Among the dead were a 29 year-old man with Down syndrome and a 97-year-old great-great grandmother.

The survivors suffered injuries from head trauma to a back fracture, the latter the result of leaping from the flames.

Kline stated in court that a three-year investigation determined that the explosion could've been avoided with just a few more bolts to properly secure the dryer gas line.

The settlement came just one day before the case was scheduled to go to trial in Philadelphia Common Pleas court.

"Mothers and fathers and children needlessly died as a result of the failure of basic safety measures to be taken by those who were charged to protect them," stated Kline in announcing the settlement.

An additional \$11 million will come from PECO Energy Co., which had not provided an adequate shutoff or regulator device to prevent an "over pressurization of gas" in the ruptured line that led to the explosion, he added.

The remaining \$2 million will come from a collection of railroad companies - Conrail, Norfolk Southern, Pennsylvania lines and CSX - for their failure to keep nearby culverts clear of debris that contributed to the flooding.

To Willow Grove resident Lucille Kinckner who lost her father, Rudolph Malizia, 78, and her grandmother, Angelina Malizia, 97, the settlement was only partial relief.

"I still can't look at my father's picture without reliving what he went through, how he had to suffer," she said. "I just hope that this is a lesson to other landowners that when there is a flooding issue, they take care of the problems."

Kline had attended Albright College in Reading, then began his professional career not as a lawyer but as a middle school teacher, instructing disadvantaged sixth-graders at Foster Intermediate School of the HASD from 1969 to 1974.

He then attended Lehigh University in Bethlehem where he earned a masters degree and completed doctorate course work.

He later attended Duquesne University School of Law, where he graduated with the school's Distinguished Student Award.

That's when he accepted a position as a law clerk to Pennsylvania Supreme Court Justice Thomas W. Pomeroy.

Kline's private legal career quickly blossomed, first at the Beasley firm in Philadelphia and later when he joined forces with Specter to open their own law firm in 1995.

In the early 1980s, Kline won a \$5.1 million verdict against the makers of the Dalkon Shield; at the time the largest compensatory verdict in the U.S. against the maker of the defective birth control device.

Later, in an epic legal struggle that spanned 16 years against a drug manufacturer, Kline won multi-million dollar punitive damage awards twice against Merrell Dow for its manufacture and sale of a prescription drug.

As a result of his numerous victories in the courtroom, Kline had been saluted in the June edition of Law & Politics magazine as one of "Pennsylvania's Super Lawyers 2004."

He is a frequent lecturer, at law schools, medical schools and continuing legal education programs.

Kline is the producer, director, writer and performer in the acclaimed one-man show, "Trial as Theatre."

He also is the author of Robert C. Grier: Jacksonian Unionist and is the author of numerous other published articles.

Kline is regional chairman of the Federal Judicial Nominating Committee for the U.S. District Court for the Eastern District of Pennsylvania.

He is listed in Best Lawyers in America and in the Bar Register of Preeminent Lawyers.

Kline's father, Isadore, managed a dress factory and his mother, Jeanne, was a homemaker who raised Kline and his sister.

He credits his parents with shaping his values and his work ethic.

Kline lives in the Society Hill section of Philadelphia, with his wife of 27 years, the former Paula Wolf, and their two children, Hilary, 20, and Zachary, 15.

In his office in Philadelphia is his baseball mitt with a ball signed by Boston Red Sox superstar Ted Williams that his dad caught in Yankee Stadium.

On a wall is a typed letter from his father, dated 1969, which reads, in part: "I know mother and I will always be proud of you."

Commented Kline: "I take every opportunity I can to remind myself where I came from."