



CRIME?

Restaurateur is found dead

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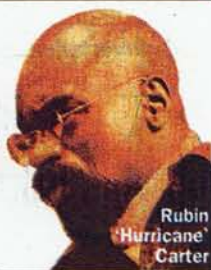


Denzel Washington

PUNISHMENT

'Hurricane' on 'Hurricane'

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Ruben 'Hurricane' Carter

PHILADELPHIA DAILY NEWS

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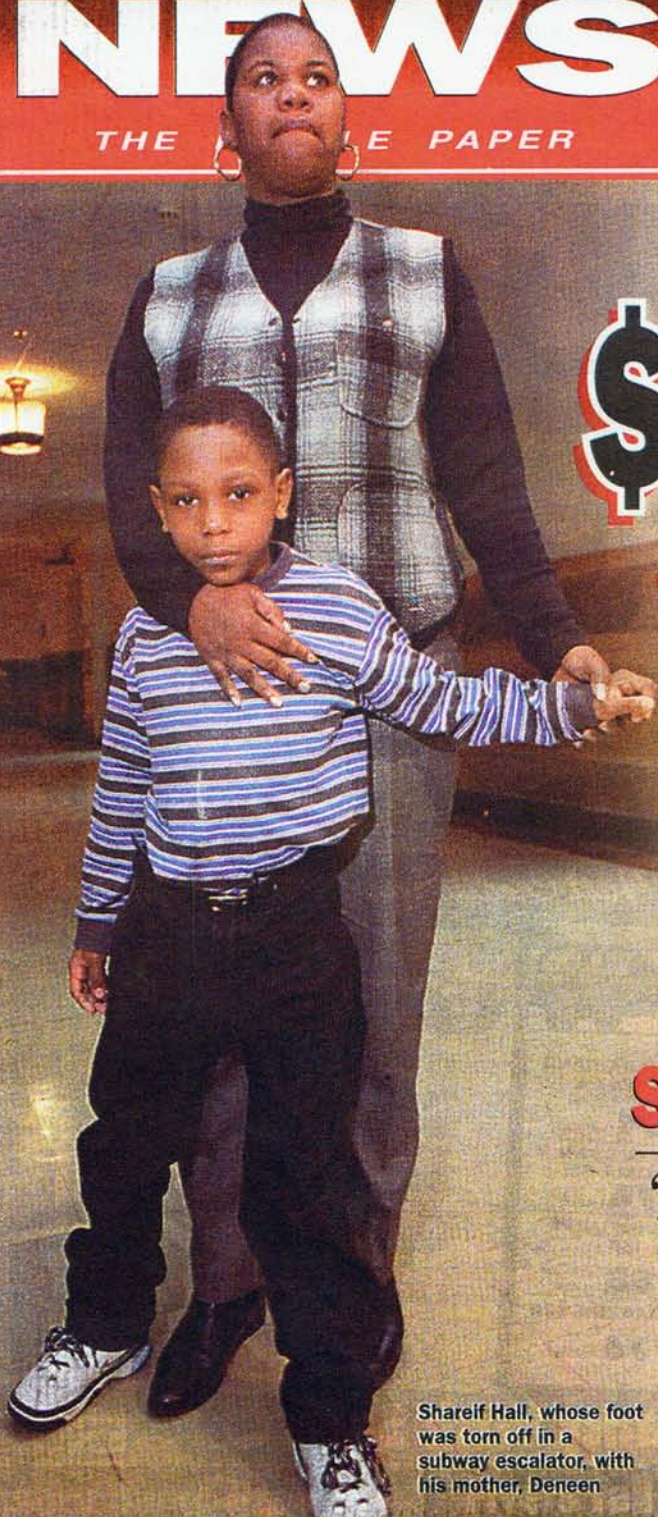
60¢ WEDNESDAY, DECEMBER 15, 1999 ★ LATE SPORTS

THE \$50M KID

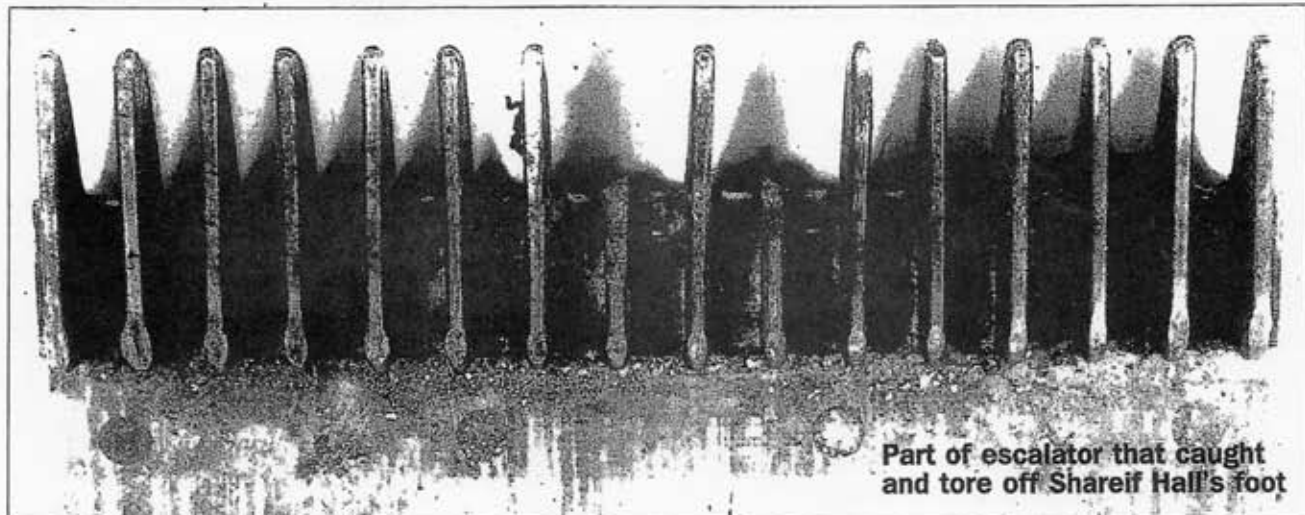
SEPTA on jury's verdict:

'More money than any person could reasonably need'

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Shareif Hall, whose foot was torn off in a subway escalator, with his mother, Deneen



Part of escalator that caught and tore off Shareif Hall's foot

\$50M for boy who lost foot

SEPTA vows to appeal jury's award

by Chris Brennan

Daily News Staff Writer

Last night, Deneen Hall went home to her North Philadelphia apartment and told her 7-year-old son, Shareif; they won their lawsuits against SEPTA.

A jury awarded Shareif \$50 million yesterday for a sickening 1996 escalator accident that tore off his right foot.

Shareif's mother, who was holding his hand as they rode the

escalator up to Broad Street from the Cecil B. Moore subway station on Nov. 27, 1996, was awarded \$1 million, plus \$65 for the cost of the high-top sneakers her son, then 4 years old, wore that day.

"Thank God it's over," the single mother of five said after the verdict for her youngest child.

But is it? SEPTA says no.

SEPTA spokesman Richard Maloney said his agency "is anxious to accept its share of responsibility for this accident" but can't afford a \$51 million verdict.

The agency filed a counter-suit against Deneen Hall in 1997, claiming she was the "sole, direct" cause of the accident.

SEPTA dropped that suit this week and presented no defense.

But Maloney bristled at the words — "evil, callous, reckless, uncaring" — used by the family's attorney, Thomas Kline, to describe SEPTA to the jury.

SEPTA documents, finally released in the last six days, show the agency knew as far back as 1994 that some of its subway escalators were in sorry shape.

One SEPTA report, dated 19 days before the accident, said the Cecil B. Moore Station es-



Shareif Hall was 4 when he lost his right foot in SEPTA escalator at the Cecil B. Moore subway station in November of 1996

calator needed repairs or it "will not be safe to operate."

"To Shareif and his family, SEPTA expresses its profound sorrow," Maloney said. SEPTA offered the family a \$250,000 settlement before the trial started.

"But by methodically seeking an award which would provide more money than any person could reasonably need, and is far beyond SEPTA's financial means, Mr. Kline has forced this case into a lengthy appeal," he said.

Both sides in the lawsuit agreed the Hall family will spend about \$300,000 in medical

bills for Shareif, who must wear a prosthesis to replace his foot.

They also agreed the boy will lose an estimated \$700,000 in wages over the course of his life because of the injury.

SEPTA did not present a defense, Maloney said, because "we realized we had not done a thorough job collecting and presenting all the appropriate records."

SEPTA calls that an oversight, but Common Pleas Judge Frederica Massiah-Jackson may hold the agency in contempt of court.

SEPTA was represented in this case by independent attorney Le-

on Tucker. Asked if SEPTA's actions crippled his case, Tucker said "Yes it did."

SEPTA General Manager Jack Leary yesterday launched an internal investigation into the withheld documents, seeking to determine "how the system broke down," Maloney said.

Kline also wants to know why he was denied documents.

"We're not going to let go until we find out why SEPTA behaves the way they do in court proceedings," he said. "Every time we

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Sneaker Shareif Hall was wearing in mishap

AWARD

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have a witness on the stand, we learn there are more documents."

Massiah-Jackson twice since Thursday has ordered SEPTA employees to walk back to their offices across the street from City Hall and search for documents.

Both times, those employees came back with thick files filled with documents about escalators.

Kline predicts lengthy legal wrangling about the withheld documents, and the size of the jury's verdict.

A state law caps jury awards in lawsuits against government entities like SEPTA at \$250,000.

But Massiah-Jackson on Monday let Kline add a civil rights claim to the lawsuit.

The jury of 10 women and two men, which deliberated yesterday for about five hours, at one point asked for more information about the civil rights claim.

The judge again explained the jury could find SEPTA violated Shareif's civil rights if it acted with "deliberate indifference" about a "state-created danger" that affected the boy's "bodily integrity or freedom from bodily pain or assault."

The civil rights claim lifts the state cap for part of the verdict.

"To claim, in legal terms, that the civil rights of young Shareif were violated by 'deliberate indifference' of SEPTA is beyond reason," Maloney said.

The jury awarded Shareif \$25 million in compensatory damages for pain and suffering and \$25 million in civil rights damages.

If the \$250,000 cap is enforced, the boy would only receive 1 percent of the compensatory award.

His mother would also receive only \$250,000.

If the civil rights award is upheld on appeal, Shareif would receive all of that \$25 million. Any money awarded to the boy would be placed in a trust fund and administered by the court.

Kline says he will use this case to challenge in court the constitutionality of the state cap.

"That would require a change in the law," he said. "That can be done by the courts."

Kline calculated SEPTA also owes Shareif \$4.1 million in "pre-trial interest," under a state law that required SEPTA to settle the claim or start trial within a year of the day the lawsuit was filed.

The family filed their lawsuits in February 1997.

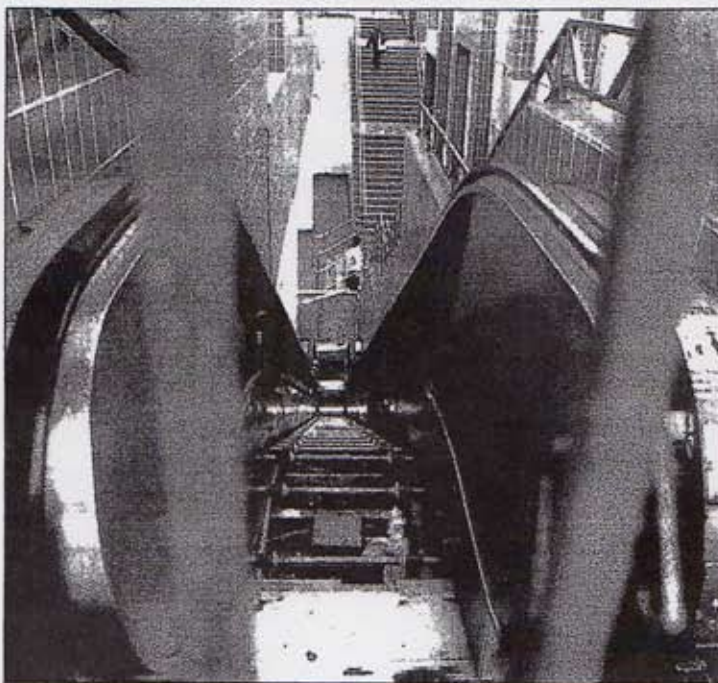
Jury members The jury left City Hall quickly after the verdict, speaking briefly and declining to give their names. One juror said there was "a lot of talking, a lot of debating" about the civil rights claim.

They were not told of the state's \$250,000 cap on verdicts.

Maloney described maintaining SEPTA's subway escalators as an "ongoing challenge" because they were built to last for between 10 and 15 years but have been in service for an average of 23 years.

Kline said SEPTA needed a huge jury verdict to get moving on repairing the escalators.

"The system needs to be fixed," he said. "And SEPTA won't do it unless there is a verdict and a public outcry." ■



STEVEN M. FALK/DAILY NEWS



G.W. MILLER IV/DAILY NEWS

Shareif Hall lost foot in escalator at Cecil B. Moore Station of Broad Street Subway. Escalator, left, remains closed.

Did SEPTA try to hide escalator information?

by Chris Bronnan

Daily News Staff Writer

Callous cover-up or fraud-free foul-up? That is what a Common Pleas court judge wants to know about SEPTA's grudgingly slow response to requests for internal documents detailing its decrepit, dangerous escalators.

The best SEPTA can hope for? To be portrayed as a colossal bureaucracy with employees who have no idea how others do their jobs or store vital information.

The worst it should fear? A \$1 million fine for contempt of court, on top of a \$51 million verdict handed down yesterday in a case where a 4-year-old boy had his right foot ripped off in 1996 by a SEPTA subway escalator.

As the jury deliberated that verdict yesterday, Judge Frederic Massiah-Jackson listened to the SEPTA contempt case.

Eileen Katz, SEPTA's deputy

general counsel, testified that it is her job to supervise the requests for documents from attorneys suing the transit agency.

Attorney Thomas Kline, who represents the boy, Shareif Hall, repeatedly asked SEPTA for documents about its escalator maintenance while studying the case.

The law says SEPTA should have turned over the documents before the trial started or asked a judge to overrule the request.

The agency finally released some of those documents last week — halfway through the seven-day trial — showing SEPTA knew that escalator and others had serious problems.

Katz repeatedly said she didn't know about those documents, including reports about the escalator accident, even though some had notations saying a copy should be sent to her and SEPTA General Manager Jack Leary.

Leary yesterday announced an

"internal inquiry" about SEPTA's late-arriving documents.

A SEPTA attorney for 18 years, Katz said she was embarrassed to discover SEPTA violated court rules about when documents should be turned over.

Kline asked Katz if SEPTA's conduct was a "disgrace."

Katz said yes, saying "I think it's most unfortunate."

Kline then sifted through a thick file of information first released by SEPTA last Thursday when Massiah-Jackson ordered a SEPTA employee to cross the street from the City Hall courtroom to his office and get it.

Katz received the same order yesterday and returned with a file twice as thick, containing more escalator information.

After her testimony, Katz angrily denied wrong-doing.

"It is not a cover-up," she said. "I do not cover up for SEPTA. This was a tragic mistake."

Kline sees it differently.

"There was a deliberate and concerted effort by SEPTA to hide documents," he said. "There's a cover-up of the deplorable condition of the SEPTA escalators, system-wide."

The SEPTA contempt case continues this morning. ■

Escalator accidents usually are minor ones

by Gloria Campisi

Daily News Staff Writer

At Children's Hospital of Philadelphia, doctors have treated tots who lost toes to escalators.

"The most common injuries we see from escalators are children who either have bare feet or open-toed shoes who get injured as they step out onto the grate, or slip on the moving stairs," said Dr. Kathy Shaw, Children's director of emergency services.

Besides ankle and other foot injuries, cuts and bruises are also common, Dr. Shaw said.

"We see a few a year, but I'm sure for every one we see at Children's Hospital, there are many more that go to a doctor, or don't go anywhere, are just slightly injured," Shaw said.

Dr. Zach Kassutto, an emergency medicine physician at St. Christopher's Hospital for Children, said, "I've seen kids fall, getting on and getting off." But "based on my experience," he said, emergency room visits for escalator injuries are "not common" and those he's treated have been for cuts and other "minor injuries."

Both doctors stressed that an escalator is not a toy and that children should be accompanied by an adult when using them, or, if very small, should be carried. Make sure shoelaces are tied, watch clothing with strings or straps, and place kids in the middle of the escalator, firmly gripping the siderail, Kassutto said. ■

\$51M is big chunk of SEPTA revenues

by Paul Davies

Daily News Staff Writer

For an agency with \$377 million in revenues, yesterday's \$51 million jury verdict against SEPTA is a lot more than a peck of tokens.

If it stands, the jury verdict amounts to almost 14 percent of SEPTA's \$377 million in annual revenues. That's a big hit for a transit agency that three years ago faced a \$75 million budget shortfall.

"That's a lot of money," said Regina Austin, a law professor at the University of Pennsylvania.

It remains unclear how much of the \$51 million Dancan and Shareif Hall will see. Shareif, 4, lost his foot in an escalator accident at the Cecil

B. Moore subway station in North Philadelphia. Yesterday a jury awarded Shareif \$25 million in punitive damages and \$25 million in compensatory damages. Shareif's mother, Deneen Hall, received \$1 million.

SEPTA plans to appeal.

A Pennsylvania law caps punitive damages against state agencies at \$250,000, or 1 percent of the jury's award.

Then there are lawyer's fees, which traditionally range from 30 to 40 percent of the award.

If the verdict stands at \$51 million, that would leave about \$18 million for Shareif and his mother.

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