

The Building Collapse Trial INN OF COURT PRESENTATION



1

THE SALVATION ARMY

COMMANDER
BARRY SWANSON



EASTERN
TERRITORIAL
COMMANDER

COMMISSIONER
TIMOTHY RAINES



ARC
COMMISSIONER

MAJOR CHARLES
DETRICK



ARC GENERAL
SECRETARY

MAJOR JOHN
CRANFORD



ARC
ADMINISTRATOR

RALPH POMPONI



STORE
SUPERVISOR

MARGARITA
AGOSTO



STORE MANAGER

RICHARD
STASIOROWSKI



STORE ASSISTANT
MANAGER

STORE
EMPLOYEES



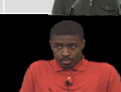
Borbor Davis



Nadine White



Felicia Hill



Rodney Geddis



Louis Smith



Kim Finnegan

The Construction Defendants



Richard Basciano
Owner



Thomas Simmonds
Owner's Property Manager



Plato Marinakos
Owner's Representative



Griffin Campbell
Demolition Contractor



Sean Benschop
Excavator Operator

3

A SAFE DEMOLITION PROJECT STARTS WITH SELECTING

1) AN EXPERIENCED, KNOWLEDGEABLE AND SAFE PROPERTY MANAGER



Thomas Simmonds
Owners' Property Manager

2) AN EXPERIENCED, KNOWLEDGEABLE AND SAFE OWNER'S REPRESENTATIVE



Plato Marinakos
Owners' Representative

3) AN EXPERIENCED, KNOWLEDGEABLE AND SAFE DEMOLITION CONTRACTOR



Griffin Campbell
Demolition Contractor

Deposition of Richard Basciano

12/15/2015 page 29:10-30:2

42 Sec

10 Q. So did you approve
 11 Griffin Campbell as the contractor in this
 12 case?
 13 A. It was done through the
 14 recommendation of the architect.
 15 Q. I understand that. Did you
 16 approve it or not approve it?
 17 A. I approved it.
 18 Q. Are you telling us you approved
 19 a contractor and you weren't sure if he even
 20 had a truck?
 21 A. I want to make it clear, sir,
 22 that I relied on Tommy Simmonds, my property
 23 manager, that looked into this and he gave me
 24 the OK that everything was okay with the
 2 people that he selected with my approval.

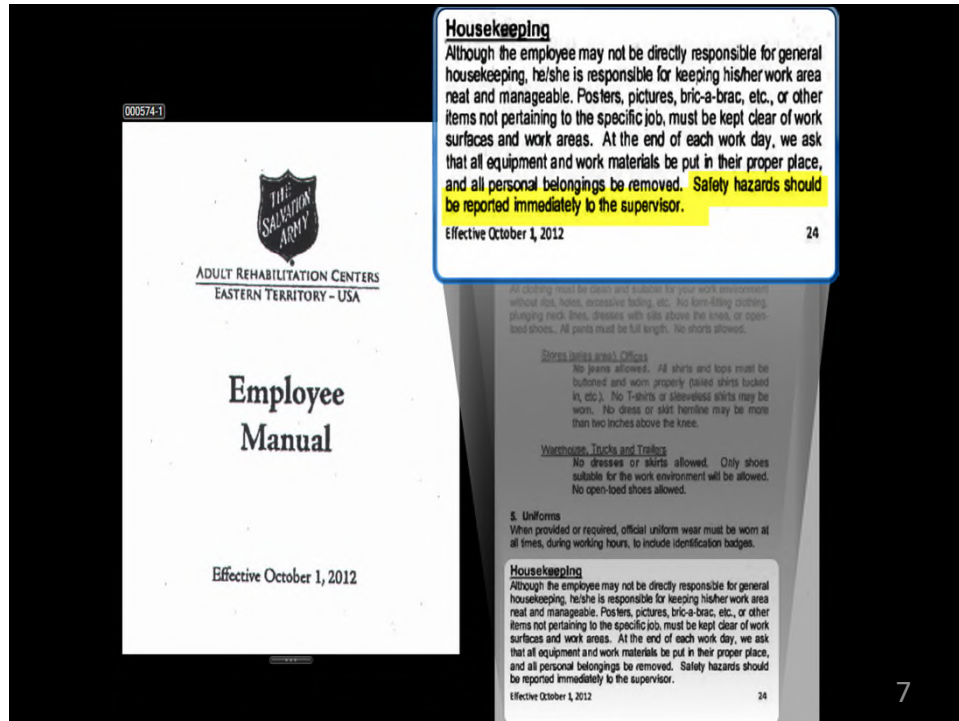
13:25:51

THE EVIDENCE WILL SHOW THE FOLLOWING:

1. SA FAILED TO PROPERLY INVESTIGATE THE WARNINGS FROM THE STB OWNERS' REPRESENTATIVES AND ITS OWN EMPLOYEES;
2. SA UPPER MANAGEMENT FAILED TO COMMUNICATE POTENTIAL DANGERS TO EMPLOYEES AND CUSTOMERS OF THE STORE; AND
3. SA FAILED TO TEMPORARILY VACATE ITS STORE AND DENIED ACCESS DESPITE SAFETY WARNINGS

***TO SUMMARIZE, HAD SA PROPERLY INVESTIGATED,
COMMUNICATED AND VACATED, NO ONE WOULD
 HAVE BEEN INJURED OR KILLED***

6



February 7, 2013	STRUCTURAL CONDITION OF BUILDING BARELY SOUND
May 9, 2013	"TO PREVENT ANY ACCIDENTS AND DAMAGE TO YOUR PROPERTY . . . WE WOULD REQUIRE ACCESS...TIME IS OF THE ESSENCE"
May 10, 2013	"TIME SENSITIVE . . . EVERY MINUTE THAT PASSES INCREASES THE LIABILITY EXPOSURE FOR ALL PARTIES."
May 13, 2013	"URGENT MATTER . . . YOUR RESPONSE IS REQUIRED TO AVOID POTENTIAL DANGER TO SUBJECT PROPERTIES AS WELL AS THE PUBLIC."
May 15, 2013	"MATTER OF URGENCY ... THE GREATER THE RISKS TO THE PUBLIC AND ALL PROPERTY OWNERS OF UNCONTROLLED COLLAPSE..."
May 15, 2013	"... CONTINUED DELAYS IN RESPONDING POSE A THREAT TO LIFE, LIMB, AND PUBLIC SAFETY."
May 31, 2013	"TIME IS OF THE ESSENCE ... NECESSARY TO ACCOMPLISH THE DEMOLITION IN A TIMELY MATTER AND TO MINIMIZE RISK, DANGER, AND EXPENSE."



9

Deposition of Sean Benschop

1/19/2016 page 95:8-13;96:5-12

8 Q. When you came back in mid May
9 what percentage of joists had now been
10 removed from the interior of the building?

12 THE WITNESS: More than 45
13 percent of the joists.

5 Q. And would you agree with me,
6 sir, that 45 percent of the interior joists
7 being removed would have made that building
8 dangerous?

12 THE WITNESS: Absolutely.



Deposition of Sean Benschop

1/21/2016 page 136:14-20;137:12-17

14 Q. And can we -- can we agree that the more
15 joists that are removed, the more -- the greater
16 the risk of the collapse?

20 A. Absolutely.

12 Q. And as the building gets weaker, there's
13 a greater chance that it may collapse?

17 A. Absolutely.



**SA's ATTY RECOMMENDS NOT ENTERING INTO
AN ACCESS AGREEMENT AND DOES NOT
COMMUNICATE THAT DECISION TO STB OR GC**



Nudel 1

12

**No dispute there was never a formal
access agreement**



Bartlett



Fraser



Nudel



Wolfington

13

DEPOSITION OF GRIFFIN CAMPBELL

Page 438: Lines 7-24; Page 439: Lines 6-15; Lines 19-24; Page 440: Lines 1-15

08



14

ED STRUDWICK (FORMER SA EMPLOYEE)

Production Meeting Minutes
May 22, 2013

Meeting Opened: 1:00 pm
Meeting Closed: 3:00 pm

Facilitators: Major John & Karen Crawford
Attendees: Captain Kikland, Mark Cantalino, Brian Sullivan, Sofia Medina, Daniel Korte, Pat Douglas, Edward Strudwick, Joe Murray, Lisa Morfitt, and Ellen Gurnea.

Item 1: Building

Major opened the Production Meeting with final plans and instructions for Monument Day. Early crew will depart with Major Crawford on Saturday, May 25 at 8:00am. The crew will be leaving around 4:00pm. Major said he is awaiting confirmation that the Center can use Harvey Lane. If not he said we'll be very crowded because the crew attending to new 133. Major said 100-1200 is permitted to stay in the center until we return on Saturday, May 25, 2013. Security Planning will be on Saturday along with Daniel Korte, Janella Roberts and Joe Murray. If anyone needs to contact Major, he said they can reach him on his cell.

Item 2: Building

Major mentioned he wanted the building to be a brand new store.

Item 3: Building

Major said Army's attorney is working to protect our building. Copies of building codes were sent to Major and the owner, the owner of the building coming down is responsible for sealing and waterproofing the party wall, repairing any damage done during demolition and scaffolding the walkway to protect our customers and employees. Mrs. Major asked about the possibility of relocating. Major said we'll address one hurdle at a time.


Item 4: Building

Major announced he'll have knee replacement surgery on both knees on July 6, he will be out of effect 4 weeks.

Discontinuation

Next Production Meeting will be on June 5, 2013.
Major John Crawford closed the meeting to prayer.
Meeting was adjourned at 3:00 pm.

Production Meeting Minutes
May 22, 2013



JAN 4 2013 1:19:49AM

15

No dispute as of May 24th, SA (Frasier) was told demolition was 'ongoing' by Higgins



16

MAY 31, 2013

STB → SALVATION ARMY

May 31, 2013

Steven C. Nudel, Esquire
Law Offices of Steven C. Nudel
219 Pine Street
Harrisburg, PA 17101

Via: Facsimile to 1-717-236-5080

Re: 2138 and 2140 Market Street, Philadelphia, Pennsylvania

Dear Mr. Nudel:

Because **time is of the essence** in carrying out the demolition of 2138 Market Street, Philadelphia, PA we are again writing to you as The Salvation Army's attorney to determine if The Salvation Army will cooperate with the owner of 2138 Market Street, Philadelphia, PA, STB Investments Corp., **to allow access to the roof of 2140 Market Street, Philadelphia, PA. This is necessary to accomplish the demolition in a timely matter and to minimize risk, danger and expense.**

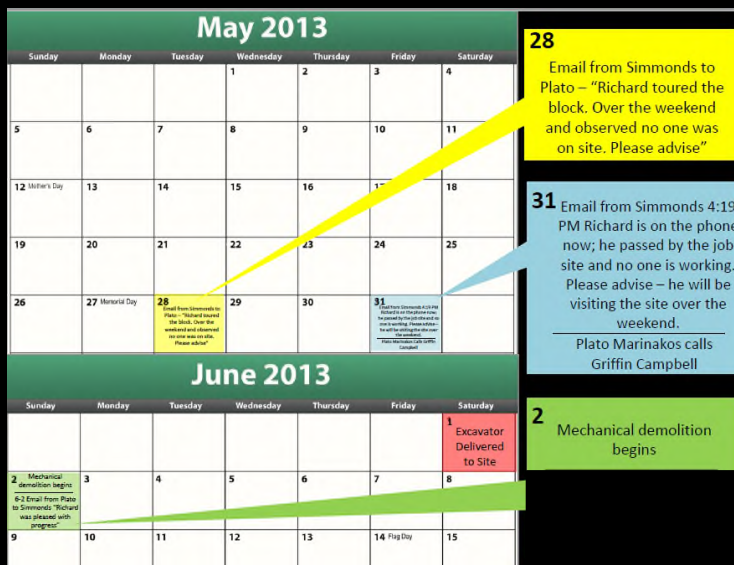
The demolition company is prepared to work during off hours such as the weekend to minimize risk and danger but this is now the fourth weekend and week that they have not been able to do the required work because The Salvation Army has not responded to our reasonable requests for access to the roof of 2140 Market Street, Philadelphia, PA. Thank you for your prompt attention.

Very truly yours,

JOEL E. OSHTRY

17

SWITCH TO MECHANICAL DEMOLITION



18

Deposition of Plato Marinakos

10/6/2014 page 128:24-129:16

24 Q. So on the day of this deadly
1 collapse, June 5, 2013, the project was
2 running late. Correct?
3 A. Yes.
4 Q. That is no surprise to you,
5 because there was a lot of pressure that you
6 were feeling from Richard Basciano and Thom
7 Simmonds about the project getting
8 concluded. Right?
10 THE WITNESS: There was -- you
11 know, there was pressure that -- you
12 know...
14 Q. You said significant pressure
15 in the preliminary hearing. Right?
16 A. Yes.



19

Deposition of Griffin Campbell

1/11/2016 page 182:5-8



7 sec
5 Q. It wasn't until Plato gave the
6 order to switch to mechanical demolition that
7 the plan changed; correct?
8 A. Right.

20

**No dispute the building was at risk of
danger of collapse starting with
mechanical demolition on June 2nd**



Estrin



Harmon



Higgins



Rust

21

JUNE 4, 2013



22

Trial Testimony of Plato Marinakos

10/2/2015 page 77:16-22

16 Q. All right. On June 4th, you get there, you
 17 see what you believe as a Board-certified architect
 18 is would you say as imminently dangerous
 19 condition?

20 A. Yes. I saw that the wall was unbraced,
 21 unsupported, and I knew it had to be dealt with
 22 immediately.

23

JUNE 4, 2013

SA → STB

From: Stephen C. Nudel [mailto:scnudel@nudelpc.com]
 Sent: Tuesday, June 04, 2013 1:24 PM
 To: 'Oshtrylaw@aol.com'
 Subject: FW: 2140 Market Street

Certain code sections are identified below. It is not the responsibility of the Salvation Army to identify law for your client and your contractor. In addition to compliance with these sections please advise what procedures will be implemented to minimize vibration within the Salvation Army premises. There is concern that your work will cause damage to displayed items.

The information below is not exhaustive.

Steve

24

No dispute employees heard, saw, and felt demolition and communicated those concerns to their supervisor, Agosto



Borbor Davis



Nadine
White



Felicia Hill



Rodney
Geddis



Louis Smith

25

JUNE 5, 2013



26



Cranford 21

27

GRIFFIN CAMPBELL AND SEAN BENSCHOP

Contractor convicted of involuntary manslaughter in 2013 building collapse

Updated: OCTOBER 20, 2015 — 1:08 AM EDT



28

VERDICT SHEET

DEFENDANT THE SALVATION ARMY, A NEW YORK CORPORATION

1. Do you find The Salvation Army was negligent?

YES: X NO:

If you answered "YES" to Question 1, move on to Question 2. If you answered "NO" to Question 1, skip to Question 3.

2. Do you find the negligence of The Salvation Army was a factual cause in bringing about harm to Plaintiffs?

YES: X NO:

Move on to the next question.

3. Do you find The Salvation Army intentionally misrepresented and/or intentionally failed to disclose a material fact?

YES: X NO:

If you answered "YES" to Question 3, move on to Question 4. If you answered "NO" to Question 3, skip to Question 5.

4. Do you find that the intentional misrepresentations and/or intentional non-disclosures of The Salvation Army were a factual cause in bringing about harm to Plaintiffs?

YES: X NO:

Move on to the next question.

5. Do you find The Salvation Army's conduct was extreme and outrageous in connection with this case?

YES: X NO:

With regard to Plaintiffs who were customers of The Salvation Army, taking the combined causal fault of defendants to equal 100%, apportion responsibility among only those defendants who you have found at fault and whose conduct was a factual cause in bringing about the harm to the Plaintiffs. This is referred to as "causal fault."

The Salvation Army	<u> 78% </u>
STB	<u> 13% </u>
Richard Basciano	<u> 5% </u>
Plato Marinakos	<u> 5% </u>
Griffin Campbell	<u> 1% </u>
Sean Benschop	<u> 1% </u>
TOTAL:	<u> 100% </u>