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LEGAL BEAT

City criticized for role in June building collapse



There have been three wrongful death lawsuits filed in connection with the June Center City building collapse that killed six people. The

latest came last week from Philadelphia City Treasurer Nancy Winkler and her husband, Jay Bryan, whose 24-year-old daughter, Anne Bryan, was one of the six who died during the incident, which also injured 13 people when a building in the process of being demolished toppled over onto the Salvation Army store at 22nd and Market streets. I spoke with construction lawyer Wally Zimolong, a critic of the city's licenses and inspections (L&I) department, to get his thoughts on the latest developments in the case.

We have not talked since the day after the incident. Are you surprised about anything that has transpired since that time? What surprised and disappointed me is the lack of accountability by the



Wally Zimolong

city... No one is being held accountable and there's a lot to go around. I was shocked at the stonewalling by L&I officials when they were called to testify in front of city council. They refused to answer questions.

The plaintiffs lawyers did not include the city as a defendant in the wrongful death claims, probably because the city enjoys a level of immunity in these city cases. But you think the city shares some significant blame? Lots can be done to change policies and culture at

L&I. Could it have made a difference in this case? Possibly. But even if they go out to a site like that, the question remains whether they are properly trained to know what to look for? What difference does it make whether they inspect a site if they don't know what to look for? I'm not saying they all have to be structural engineers but they need some training or certification that shows they know more about these things than ordinary folks. I know L&I has changed some of its policies but what are they doing internally?

What do you think of the idea put forth by Nancy Winkler and Jay Bryan calling for the creation of an independent panel of national experts to advise the city on how to reform its regulation of demolition projects? It's a start and worth exploring. The city has not expressed much interest in doing anything like this. It would be great to have a body like that review and change policies.

District Attorney Seth Williams has launched a grand jury investigation into this matter. What do you think could come of that? A criminal indictment, let alone one that leads to conviction, is often a long shot when it comes to construction accident cases... You will have to show that someone acted willfully negligent. So it will be an uphill battle for the Commonwealth. Grand jury investigations will not look at L&I policy and procedures— just whether there were criminal acts committed by any of the actors in the case.

Anything surprise you about the defense strategy in this case? I think the initial focus from the plaintiffs was on the contractor. But the Salvation Army has an obligation from OSHA to provide employees with safe working conditions. There were reports about falling bricks and they didn't seem to do much in response.