

Jury Awards \$39M In Fatal Wis. Garage Panel Fall

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The Associated Press



MILWAUKEE (AP) -- A

jury Thursday found manufacturer Advance Cast Stone mainly responsible for the collapse of a Milwaukee parking garage panel that killed a teenager and injured two others in 2010 and awarded \$39 million in damages.

The civil jury also found that Advance Cast Stone intentionally concealed and misrepresented a defect or deficiency in its installation of concrete panels at the Milwaukee County-owned O'Donnell Park parking garage.

Fifteen-year-old Jared Kellner was killed when one of the 13-ton panels fell, and two others were injured: Amy Wosinski and her son Eric, who was 15. Testimony over the past five weeks focused on the way a panel was attached by the Random Lake company, with two, rather than the prescribed four, steel connecting rods and other deviations.

"Thank you to the community for remembering Jared; thank you to the people who stood up now so this never happens to anyone else or any other family," Jared's mother, Dawn Kellner, told reporters after the verdict.

Jurors found the Kellner and Wosinski families were entitled to compensatory and punitive damages, the Milwaukee Journal Sentinel (<http://bit.ly/18bwmiT> [1]) reported.

Jurors awarded \$6.3 million to the estate of Jared Kellner, for the pain and suffering he endured in the seconds before he was crushed; \$1.5 million each to Eric Wozinski and his parents for emotional distress; and \$6 million to Milwaukee County from Advance Cast Stone for repairs to the O'Donnell Parking structure and lost

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revenue for the months it was closed.

In addition, jurors said Advance Cast Stone had to pay \$15 million in punitive damages. The Kellner and Wosinski families also were awarded about \$8 million for pain and suffering, medical costs, lost earnings and other losses.

The jury found Advance Cast Stone 88 percent responsible, the newspaper reported. J.H. Findorff & Son, the construction manager on the project, was found to be 10 percent at fault, and the county, 2 percent. Findorff has previously settled with the plaintiffs.

Mark Grady, Milwaukee County's deputy corporation counsel, said because of a limit in state law, the county will have to pay the other plaintiffs no more than \$250,000 total.

The Kellners had sought \$7.5 million as compensation for Jared's "pre-death pain (and) suffering" and for the family's loss of Jared's companionship.

The Wosinskis wanted \$15.6 million to cover, among other things, medical expenses for Amy Wosinski, whose left leg was partially amputated; pain and suffering and medical expenses for Eric Wosinski, who suffered a broken leg and head gash; and loss of earnings by Amy and her husband, Steve Wosinski.

Attorneys in the case will return to court Monday to take up insurance coverage of the damages.

Throughout the trial, Advance Cast Stone insisted it was given permission to use the alternate method to install the panel, which later failed. Advance attorney Matthew McClean also argued that Milwaukee County failed to properly maintain the panel and that vehicles banging into the panel over its nearly two decades caused it to dislodge.

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