

Tenants settle suit over 2001 explosion

Village Green complex and others will pay \$40.5 million for the fire, which killed six and injured six others.

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A \$40.5 million settlement was reached yesterday 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 that underscored the perils of living in flood-prone areas.

The settlement, coming after a summer of flood-related "death and destruction" across the country, could lead to a more cautious approach for development in areas vulnerable to flooding, said Barry Seymour, associate director of the Delaware Valley Regional Planning Commission.

Maybe.

"To the extent that people either change their individual choices about where to live or local governments change their regulations about where and how people build remains to be seen," Seymour said. "The natural events will continue to happen. It's how we position ourselves to mitigate damage is what we can really do about it."

On a night in June 2001 eerily reminiscent of this week, 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 a foot of rain had turned the parking lot of the 23-building complex into a lake.

Around 10:30 p.m., about two hours 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.

The dead ranged from a 29-year-old man with Down syndrome to 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.

Three years of investigation concluded that the explosion could have been avoided with just a few more bolts to properly secure the dryer gas line, said [Thomas R. Kline](#), a Philadelphia lawyer who filed 11 of the 12 lawsuits settled yesterday.

"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," Kline said in announcing the settlement. It came one day before the case was scheduled to go to trial in Philadelphia Common Pleas Court.

The bulk of the settlement, \$27.5 million, will be paid by the Scully Co., the Jenkintown owners of Village Green, and Caleco, of West Chester, provider of the dryers, Kline said. Both companies are responsible for the explosion and resulting deaths and injuries, Kline said, because they "failed to take a simple precaution of either bolting the gas line to the wall properly or bolting the gas dryer to the floor." The gas line had been secured by one bolt near the ceiling, he said. That dryer had replaced one destroyed by floodwaters during Hurricane Floyd in 1999, Kline said.

A man who answered the phone at the Scully Co. but who would not identify himself said the company's insurance carrier would cover its share. A spokesman for Caleco could not be reached.

An additional \$11 million will come from Peco Energy Co., which had not provided an adequate shutoff or regulatory device to prevent an "overpressurization of gas" in the ruptured line that led to the explosion, Kline said.

"Although the explosion and fire that occurred involved a broken, customer-owned gas pipe for which Peco had no responsibility, we feel the settlement was appropriate and in the company's best interest given the complexity of the liability issues and nature of the damage and the potential jury verdict," said spokesman Michael Wood, calling it "a very tragic accident." The remaining \$2 million will come from a collection of railroad companies, including Conrail, Norfolk Southern, Pennsylvania Lines, and CSX for their failure to keep nearby culverts clear of debris that contributed to the flooding, Kline said.

During the rains that moved through the Philadelphia area Tuesday night as a backwash from Hurricane Jeanne, some residents of Village Green had to be evacuated because of flooding. To Willow Grove resident Lucille Kinckner, who lost a father, Rudolph Malizia, 78, and a grandmother, Angelina Malizia, 97, yesterday's 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."