

Quake trial set to begin

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SANTA CRUZ — A trial is scheduled to begin Monday to determine whether a downtown landlord knew his building was unsafe and would collapse — as it did — in a major earthquake.

In a settlement reached Thursday, one of the defendants was removed from the suit.

The lawsuit has been filed by relatives of Shawn McCormick, who was killed when a brick wall of the Bookshop Santa Cruz building collapsed through the roof of Santa Cruz Coffee Roasting Co. during Oct. 17 earthquake, and by attorney Manriquez, who was injured.

The suit was filed against, among others, Ron Lau, owner of

the Bookshop Santa Cruz building, and Bernard and Kay Zwerling, owners of the coffee company building.

Thursday the Zwerlings were removed from the suit when they reached a settlement with Manriquez that cleared them of liability.

"We have been totally exonerated of all blame," Kay Zwerling said, "and we paid nothing to be exonerated."

According to court documents, the agreement was between Manriquez and the Zwerlings, but to date, the McCormick-Manriquez suit has been treated as a single case. Attorneys were not available Thursday for comment.

Bernard Zwerling maintained that he had not been told the wall was dangerous and that he did not

own the wall, but merely held an easement to it.

At issue in the lawsuit is whether Lau knew that his bookshop building was unsafe and did nothing to correct the problems.

Lau and his attorney refused to discuss the suit.

Attorneys for McCormick's mother, his 2-year-old daughter and Manriquez claim that Lau was warned by city building inspectors in 1987 and 1988 that his unreinforced masonry building was dangerous and would threaten public safety in an earthquake.

McCormick, 21, died of asphyxiation after being crushed by the weight of the wall when it fell. A co-worker, Robin Ortiz, also was killed.

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Bill Lovejoy/Sentinel file

Rescue crews search through the rubble of the Coffee Roasting Co. after the October earthquake.

Trial

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Manriquez, a third employee of the store, was trapped for 45 minutes before being rescued. She suffered chest and leg injuries.

According to papers filed in the suit, Dave Steeves, former chief building official for the city, sent notices in 1987 to all owners of unreinforced masonry buildings downtown, requesting them to attend a meeting to discuss problems with their buildings.

The suit alleges that Lau attended that meeting and learned from Steeves that his building constituted a hazard to public safety.

It further alleges that in July 1988 the city received a complaint from a patron of the Bookshop Santa Cruz who was worried about the integrity of the building.

Former building inspector Michael Hernandez conducted an inspection and told Lau the building was dangerous, according to the suit.

"I responded to a complaint by a woman who said all of this stuff was falling down during an earthquake in 1988," Hernandez said Thursday. "I talked to Ron Lau and gave him 90 days to come up with a plan (to retrofit the building)."

Hernandez said that he later discussed how to correct the problems with both Lau and Donald Ifland, a structural engineer hired by Lau. Ifland is also named in the lawsuit.

"Lau acknowledged the problems and told Ifland to get it done,"

Hernandez said. "Lau seemed concerned."

Hernandez left his job, however, before the three-month deadline was up due to an on-the-job injury. He said that no one followed up to see that the repairs were made.

"I put a copy of the (notice) for repairs in the file and pinned one on the bulletin board," Hernandez said. "No one ever followed up. I never heard anything about it ... I think the city bears more responsibility (for the deaths) because they didn't act on this stuff."

The plaintiffs also claim that in 1986 Lau went to UC Santa Cruz and asked for Professor Vitelmo Bertero, a noted earthquake engineer, to inspect his building for seismic safety. The suit claims that Bertero testified that he inspected the building and informed Lau that the building was seismically unsafe. The suit claims that Bertero told Lau that the north brick wall of the building would "blow out" onto the coffee company building in the event of a large earthquake.

The plaintiffs claim that Lau did not retrofit his building because he did not want to lose lease revenue from the bookshop.

Plaintiffs' attorneys proposed a compromise settlement last July that was rejected. That offer called for payments of \$950,000 for McCormick's daughter, Amber; \$250,000 for his mother, Ethel McCormick; and \$550,000 for Manriquez.

— Staff writer Mark Bergstrom contributed to this report