

EARTHQUAKE '89 - City of Santa Cruz

Lawsuit filed in quake death

Landlords blamed for falling buildings

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SANTA CRUZ — A lawsuit has been filed against two downtown landlords by the family of a man killed when a building collapsed during the Oct. 17 earthquake.

The lawsuit alleges that the building owners knew that the buildings were not earthquake safe and that they failed to correct the problems or warn people that the unsafe conditions existed.

The suit was filed on behalf of Amber McCormick, the 2-year-old daughter of the dead man, Shawn McCormick, and by Brittany Manriquez, who was also injured when the wall of the Bookshop Santa Cruz building collapsed upon the Santa Cruz Coffee Roasting Co. during the quake.

A second person, Robin Ortiz, also died in the collapse. All three worked for the

coffee firm.

Named as defendants in the lawsuit are Ron Lau, owner of the Bookshop Santa Cruz building; Bernard Zwerling, owner of the Coffee Roasting Co. building; Bookshop Santa Cruz; and Donald Ifland, a local structural engineer.

Shawn McCormick, 21, was trapped and crushed in the rubble of the bookshop building wall. A coroner's report said that McCormick died of asphyxiation caused by the weight of debris pressing on his head, chest and stomach. McCormick, a recovering drug addict, had morphine in his system at the time of his death, the report said.

Manriquez was trapped in the rubble for 45 minutes and sustained chest and leg injuries.

Bernard Zwerling had not yet been served papers notifying him of the suit law-

suit Monday afternoon, but vehemently denied that his building had been unsafe.

"My building was seismically safe. It was all Ron Lau's building," Zwerling said. "His building fell on our roof and there is no roof that can withstand that."

Zwerling said that he did not know that Lau's building might collapse onto his roof in a quake and that he had not discussed it with Lau.

"Of course I didn't know," he said. "I would have done something about it to get it rectified. You'd have to be stupid not to."

The Bookshop Santa Cruz building was one of several unreinforced masonry buildings that experts said were at risk of collapse in an earthquake, a fact that the suit alleges was known by the building owners.

Please see LAWSUIT — A10

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— Dave Steeves,
former building official

'He proposed the ordinance without running it by virtually anyone else. And he proposed it in public. It was dead on arrival at that point. I'm sure the business owners were aware of the state of their own buildings.'

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city councilman

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Lau refused comment Monday, saying he had been advised not to comment on the lawsuit by his attorney.

David Steeves, former chief building official for the city of Santa Cruz, said Monday that city officials and downtown building owners knew the buildings would probably fail during a major earthquake.

Steeves was the author of a proposed 1987 ordinance that would have required buildings on the Pacific Garden Mall to be brought up to earthquake safety standards.

"I gave a presentation to the Downtown Association prior to the presentation of the ordinance," Steeves said. "They influenced the council into not adopting anything."

Steeves said the ordinance was killed during a closed-to-the-public meeting of the City Council following an uproar by building owners who were worried that the costs of the improvements would drive them from business.

Many building owners subsequently hired engineers, such as Ifland, to examine their buildings and to give estimates on earthquake retrofitting.

"They (the City Council) never even asked me what it was all about," Steeves said. "If they had sat down with me and discussed it they might have looked at it in a different light. They looked at it in a panic situation and dropped the whole thing. The planning director said it would have caused economic chaos downtown — what do they think they have today?"

City Councilman John Laird said Monday that the proposal was killed due to the way it was presented.

"He proposed the ordinance without running it by virtually anyone else," Laird said. "And he proposed it in public. It was dead on arrival at that point. I'm sure

the business owners were aware of the state of their own buildings."

Building owners appealed to the council that the cost of upgrading the buildings was prohibitive.

"I think we made the right choice," Laird said. "It was a matter of how people many people would be driven from business. ... Even if his ordinance was acted on, it probably wouldn't have changed what happened."

At the time of the quake the city was supporting a bill by Sen. Henry Mello, D-Watsonville, that would have provided low-cost financing to make such unreinforced masonry buildings earthquake safe. That bill, however, was later vetoed by Gov. George Deukmejian.

The McCormick and Manriquez lawsuit is among the first of many such quake-related suits that are expected.

"Out of an event like this, you can expect the legal and financial issues to go on for many years," Laird said.

The amount of money being sought in the lawsuit, filed Friday, has not yet been determined, said James Fitzpatrick, a San Jose attorney who is representing McCormick and Manriquez.

"We're waiting for a response from (the other parties)," Fitzpatrick said. "There is no ballpark figure as of yet. We haven't gotten that far."

Fitzpatrick said that the McCormick family is seeking to set up a trust fund for Amber. The girl's grandfather, Robert Kennedy, is seeking to become her legal guardian.

Bookshop Santa Cruz owner Neal Coonerty refused Monday to comment on the lawsuit, other than to question why his business was named.

"It's not quite clear to me why we were named since we were not leasing the part of the premises that collapsed," Coonerty said.

The bookshop occupied only the basement and first floor of the building.