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5/22/81

ton Store building at 7th and State,
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\$750,000 awarded to woman by jury

An Erie woman was awarded
\$750,000 in damages by an Erie
County civil court jury Thursday af-
ternoon.

It was the largest jury award in
Erie County Court history.

Nina Sansone, 707 Plum, and her
husband, Philip, had sued Radiology
Associates and Dr. Phillip Bricout,
claiming that radiation treatment
she received for cancer of the thy-
roid had damaged her spinal cord
and caused paralysis of both legs.

At 5:15 on Thursday, the jury re-
turned to Judge Lindley McClel-
land's courtroom with a finding in fa-
vor of Mrs. Sansone. The jury first
found that the defendants were liable
for Mrs. Sansone's condition, then set
damages at \$750,000.

The previous high jury award in an
individual case came two years ago
when a jury awarded \$300,000 to
Random Ross, a six-year-old who
was struck by a school bus.

Mrs. Sansone broke into tears as
the verdict was read by court offi-
cials.

The complicated Sansone trial be-
gan two weeks ago before Judge
McClelland, with attorney Andrew
Conner representing the Sansones,
and attorney John Beatty represent-
ing the defendants in the case.

Mrs. Sansone claimed she discov-
ered she had cancer in 1966, but that
it went into remission until 1974,
when it appeared in her thyroid.

She was given radiation treat-
ments by the defendants and in mid-

the ambulance by a fire policeman.

A resident of 3439 Shannon Road,
directly across from where the acci-
dent occurred, said she was in the

1975 she began feeling a numbness in
her legs. The numbness progressed
into paralysis and the woman is now
confined to a wheel chair.

Mrs. Sansone claimed that the ra-
diation treatment given was exces-
sive and damaged her spinal column,
causing the paralysis.

The defendants claimed that the
radiation was not excessive and that
the paralysis was caused by the
spreading cancer.

During trial testimony, it was
determined that as a result of the pa-
ralysis, Mrs. Sansone lost \$143,000 in
past, present and future wages. Her
husband, who was forced to retire
early to care for her, lost \$39,000 in
wages, according to court officials.

It was also determined by a nurs-
ing home specialist that the cost of
10 years of care for Mrs. Sansone
would be \$240,000.

Mrs. Sansone's son told the *Morn-
ing News* that his parents were ex-
hausted following the trial, but
"ecstatic" with the jury award.

After the verdict was read, Judge
McClelland informed the panel that
the award was the largest in Erie
County history.

Attorney Conner indicated he was
pleased with the award, the payment
of which will probably be split be-
tween the two defendants in the civil
action.

Attorney Beatty immediately left
the courthouse after the verdict was
read and could not be reached for
comment.

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By BILL McI

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Tuesday, November 9, 1982

Jury awards \$5 million to Erie diving victim

By DEBORAH BECK
Morning News staff reporter

An Erie County jury Monday night reached a verdict which will set a national record in the award of over \$5 million dollars to a quadriplegic for injuries suffered in a diving incident.

Ted Koenig, 26, a resident of Erie Independence House, was awarded \$4,639,288 after the jury reached a verdict in the civil suit around 10 p.m.

The award also included \$500,000, or a 30 percent penalty, in punitive damages, for a total of \$5,139,288.

The jury of nine women and three men, after deliberations which began Monday afternoon, found both the manufacturer, the Muskin Corp., and the W.T. Grant Company, which sold the above-ground pool, liable on four separate counts.

The jury found that the defective

pool was the cause of Koenig's injuries.

Koenig, who was 15 years old at the time, was injured when he dove into the four-foot deep swimming pool and became a quadriplegic.

The jury found that the pool was of inadequate design for recreational diving, and that the pool contained inadequate necessary components to make it safe for recreational diving.

The jury also found that the pool had inadequate warnings to users regarding the danger of using the pool for recreational diving, and carried inadequate instruction to users regarding the danger of using the pool for recreational diving.

However, the jury found there was no misrepresentation on the part of either of the companies involved.

Product Liability Expert Edward Swartz of Boston lauded the verdict as "national record. No above ground

pools case has settled for anywhere near this amount," a jubilant Swartz said following the verdict.

"This is the first in the country," he added.

"This is the largest verdict for personal injury in the history of Erie County," Swartz stated.

Andrew Conner, attorney for the plaintiff, said following the verdict that he "felt great. It's a complete win," he said.

He said Muskin Corp. is currently involved in 36 quadriplegic cases.

"I hope they clean up their act and notify people of this death trap," Swartz said of the manufacturer.

Attorneys for the defense asked for a poll of the jury following the reading of the award by Judge Jess Juliante. The judge and the attorneys thanked the jurors for their service to the court and the community.

"You learned about swimming

pools along with me," Judge Juliante said.

During the three-week testimony, it was alleged that Koenig suffered and will suffer \$2.7 million in past, present and future medical expenses and lost earning power because of the accident.

The defense based its case on the alleged "assumption of risk" on the part of Koenig.

Koenig was injured in a pool at the home of Mr. and Mrs. Leo Narusewicz. Although Koenig did not sue the Erie couple, Muskin and Grant sued the Narusewicz's.

Late last week, Judge Juliante dismissed the Narusewicz's from the complaint, saying there was insufficient evidence to send the case against them to the jury.



Drab and dreary

All in all, Erie Countians recovered nicely from the weekend snow, though the countryside shows the unmistakable wear-and-tear of increasingly winter-like weather. The stalks at left, remnants of what once were sunflowers, seem as dispirited as this sagging old barn near Sampson Road. Cheer up. The National Weather Service says Tuesday will be cloudy but mild, with highs near 50, and Wednesday is expected to be sunny and warmer.

PennDOT crew response scrutinized

By DEBORAH BECK
Morning News staff reporter

Nobody wanted to go out in the storm Friday night — not even the

for most and I just couldn't get hold of people. I needed to have them get out and respond immediately."

DeLosa will talk individually with

and said their husbands weren't at home, he added.

As a result, the 25 employees and five foremen who did report to work

Crawford ballot exam set

Republican Tom Ridge picked up another 61 votes during the official ballot count in Mercer County Monday, boosting Ridge's lead over Democrat A. Buzz Andrezeski to 753 votes.

While the official count in all four counties in the 21st Congressional District is complete, Crawford County officials said Monday they will re-examine apparent discrepancies in several voting precincts still using paper ballots.

According to Crawford County Commission Oakley Lamb, several districts showed total votes in the congressional race which slightly exceeded the number of registered voters in those districts.

"We're just talking about a very few votes here," Lamb said Monday night. "But we believe they should be looked at, or recounted if necessary."

The re-examination will be at county expense.

Andrezeski, meanwhile, was in Harrisburg Monday and indicated he planned no announcement on whether he will concede the election.

front of CIA headquarters at a standstill.

"Some traffic started to go around to the right," he said. "That is when I noticed the three cars, right there in a row, that had been shot at."

"I did not know that at the time, though, but had seen the windows," Briggs said. "Then, after turning onto the agency grounds I saw agency guards running up the roadway and a security car starting up toward the street with sirens and lights flashing."

Briggs said he parked his car, then asked a security guard if he knew what was going on.

The guard told him, and Briggs was stunned.

"My reaction was one of sheer horror," he said. "We have had bomb threats and other things, but I believe that is the first time something like that has happened at the agency in 45 years."

Throughout the day, employees listened to radio news accounts of the shooting, trying to learn any information they could, he said.

There was also a feeling of "general concern" in the air. "It's a very family-oriented type of place to work," Briggs said.

Rumors also circulated through the agency about exactly what had taken place, Briggs said, but as the day wore on, "finally we got a pretty good idea about what the facts were," he said.

He said that counseling has been offered to employees who feel they need it. What employees want most, he said, is to find out why the shooting happened.

"We are all hoping they catch the guy soon," Briggs said. "People want to know if he was a nut, had a specific grievance against the agency, or whatever."

"Myself, I have not had any reaction yet. But I am waiting to see what kind of dreams I have about this in the future."

unhealthy working conditions may indeed be factual, according to the results of a preliminary air quality survey.

One of the survey's findings showed that air intake louvers for air handling units that serve the entire building are located directly above the truck loading dock.

"Exhaust fumes from delivery vehicles are potentially being drawn in through the louvers and introduced throughout the building," the survey states.

"This may explain the many complaints by employees of diesel engine odors."

The study also found that a large open top trash bin in the loading dock area was located "at ground level directly below the air intake."

"The potential for odors from the trash bin to be drawn into the air intake louvers exist," the study states.

Part one of the survey was conducted in early December by county officials and by Astorino Branch En-

air circulation, diesel exhaust fumes, odors in the print shop related to printing operations, and cooking odors lingering near the cafeteria.

There were also frequent complaints about parts of the building being too cold in the summer and too hot in the winter.

An air quality team touring the building noted dust and dirt deposits on desks and file cabinets located beneath air supply ducts, especially in third floor offices and in fourth and fifth floor areas of the prison.

The team concluded that there is no comprehensive program for cleaning and maintaining air handling units.

The team also questioned whether the current ventilation system is allowing for a proper balance of return and outside air.

The air balance problem appears to be significant in the cafeteria, allowing cooking odors to migrate to surrounding offices.

As for the print shop, air quality

Cancer patient recovers from extensive, court-ordered transplant operation

By BILL MCKINNEY
Morning News staff reporter

An unyielding young Erie lawyer and a tough federal judge may have added years to the life of an area man whose internal organs were enveloped with cancer.

Richard H. Heasley, Jr., 44, after months of battling his former employer in court, underwent extensive transplant surgery last week at Presbyterian University Hospital in Pittsburgh.

Attorney Steven E. "Tim" Riley, Jr. received authorization Monday from Heasley's father to discuss the surgery for the first time.

"Richard is still in intensive care but went off the ventilator on Friday. If everything continues to go well he could be out of intensive care by Wednesday," Riley said.

The surgery itself, the lawyer said, took 14 hours and was performed in shifts.

It began at 7 p.m. on Monday, Jan. 18, and ended at 9 a.m. Tuesday.

"When the surgeons went in they found the tumor had grown so large they couldn't do what

they wanted to do without severing the blood supply to his stomach and intestines," Riley said.

"So they did what they call a cluster operation. They replaced the liver, stomach, pancreas and intestines."

"It was up to the second shift of doctors to reattach everything. It had to be an absolutely incredible task."

As of this Monday, he said, the doctors are hopeful. All of the new organs are working and the laboratory results, so far, look promising.

Although the tumor was much larger than expected, Riley said, the doctors concluded the cancer had not invaded the stomach or intestines. "It had enveloped them but not invaded them," he said. "That was crucial."

Riley said it is probable, because the tumor was so large, that cancer will be found in Heasley's lymph nodes.

But he said this particular kind of cancer grows slowly, meaning the multiple transplants may have added many years to the young man's life. Even if other cancer cells exist, Riley said, they can be treated in other ways.

The lawyer said Heasley's mother and father are commuting between their home in Bradford and the hospital in Pittsburgh, as is the patient's girlfriend.

Riley will see his client this week for the first time since the surgery; he said he is looking forward to the visit.

He said the young man is in good spirits, "even a little ornery."

"We're all very thankful to the judge for doing what he did to get this case through the system as quickly as possible," Riley said, referring to U.S. District Judge Glenn Mencer.

Without the transplant surgery, medical experts had testified that Heasley faced certain death.

Standing in the way of that surgery were arguments by the patient's former employer, Belden & Blake Corp. of North Canton, Ohio.

Lawyers for the company claimed that the transplant was experimental in nature and not covered under the terms of the company's self-insurance program.

1/26/93