

Falling Construction Tool Injures at Least Two at Deutsche Bank

Two Firemen Injured Just Days After Two Die in Deutsche Bank Fire

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Two firefighters and at least one construction worker were rushed to a local hospital today after a piece of debris fell on them at the Deutsche Bank building in downtown Manhattan, a New York City Fire Department spokesperson told ABC News.

City officials told ABC News' affiliate WABC-TV that the debris was actually a construction tool, suspected to be a construction jack.

The injuries suffered by the men are not believed to be life-threatening. One fireman suffered a head contusion and the other has less serious injuries, but both are in stable condition, the Fire Department said.

There was no information available on the medical status of the injured construction worker.

The tool fell while firefighters and construction workers were still removing debris and toxic material from the building, a project that has been ongoing since the the terrorist attacks of Sept. 11, the spokesperson said.

Two Deaths Last Week

The incident comes on the heels of last Saturday's fire in the same building, which killed two New York City firemen.

Firefighters Joe Graffagino, 33, and Robert Beddia, 54, suffered cardiac arrest after running out of air while trying to put out the blaze, WABC reported.

Investigators later found that faulty water pipes, designed specifically to fight fires, were likely the reason the two firemen died.

The contractors responsible for the demolition of the Deutsche Bank building may face charges of criminally negligent homicide as a result of the faulty pipes, according to WABC.

A section of the standpipes was found "not attached and lying on the floor nearby," according to a statement released by New York City Mayor Michael Bloomberg's office Monday night.

City officials acknowledged that the fire department had not regularly inspected the building and had no emergency contingency plans, WABC reported.

While the cause of the fire is still unknown, cigarette butts were reportedly found in the building, despite the fact that smoking is prohibited on construction sites.

Millions in Liability

The potential liability for the two deceased firefighters should stretch into the millions of dollars, while damages for this afternoon's injuries will depend on the severity and extent of those injuries, said Ken Halperin, a construction liability lawyer for Wingate Russotti & Shapiro, a New York law firm.

A long list of firms associated with the construction could face financial liability, according to Robert Clifford, the senior partner at the Chicago-based Clifford Law Offices. Clifford prosecuted a case involving a scaffolding collapse at Chicago's John Hancock Building in 2002 in which the manufacturer of the scaffold as well as the owner of the building, the architect and the general contractor were all held financially liable, he said.

Clifford said that the firefighters are entitled to workman's compensation from the New York City Fire Department, but he said they cannot actually sue their employer for injuries sustained on the job.

Prosecutors may have to jump through some legal loopholes, however, to prosecute the construction firm. The New York Times reported today that a front corporation called the John Galt Corporation has been established by the Regional Scaffolding and Hoisting Company to "insulate the assets of a parent company from the enormous potential liabilities of demolition work."

But Halperin said that regardless of which company is nominally performing the work, somebody had to take out insurance on the job.

"To avoid civil liability you can set up ten thousand companies, but somebody's got to take out insurance," he said.

The two firefighters who were killed in the Deutsche Bank fire were not newcomers to tragedy. Their station, Ladder 5, lost 11 men on Sept. 11. Graffagnino was buried today, and Beddia's funeral is planned for tomorrow.

Other members of the station told WABC that Graffagnino and Beddia were described as "tremendous firemen and tremendous gentlemen."