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Hills business owner goes to trial in cave-in

Show with a sunckeeshims comment

The co-owner of a Farmington Hills construction company who was in charge at the time of the Plymouth Tomaship trench cave in that killed an Ypsilanti man was bound over for trial Friday in what is considered both a precedent-secting case in Wayne County and one that could send a message.

William Roger Curtis Jr. faces a Feb. 25 circuit court arraigment at the Frank Murphy Hall of Justice. Curtis is charged with involuntary manslaughter in the April 1, 1999, death of Camerocok, an employee trapped in the trench when a section of a clay wall caved in.

clay wall caved in.

If convicted, Curtis faces a maximum penalty of 15 years in

maximum penalty of 15 years in prison.
Curtis was operating the oxcavator that was digging the trench at the time of the cave-in at a now housing development of the cave-in a cave-in a

The warrant names both Curtis and his company, William R. Curtis Inc., of Farmington Hills. The warrant alleges Curtis knowingly created a dangerous situation at the site by not sloping or supporting the trench two slightly or supporting the trench soil from the edge of the trench not providing ladders or hard hats and failing to properly train stock in safety procedures.

Defense attorney Raymond

the end, then dirt was on top of us. It covered us ... It felt like the whole world was falling on top of us.'

Moises Ruvalcaba -Employee who testified

Cassar called no witnesses.
"Curtis deean't do trenching."
Cassar said. "His conduct was not a willful act and doesn't show willful neglect." Cassar told MacDonald he was "breaking brand new ground" in binding over the corporation also.
"I'm disappointed and surprised, Cassar said-after the hearing." My client is very uppet."

prised. Cassar said after the hearing. My client is very upset. "My client is very upset."
The prosecution called several witnesses. Moises Ruvalcaba, an employee who was with Cock in the trench at the time of the accident, testified with the assistance of Carol Reima, a Spanish interpreter. The two men were laying sewer lines when the accident occurred. Ruvalcaba worked for the construction company five years and worked dinside trenches 1,000-1,500 times, he estimated.
"I learned from others who worked there, by watching someone else," Ruvalcaba testified. He said he wasn't trained how to got out of a cave-in. Neither man was wearing a hard hart. Ruval-caba was issued a hard hat but he stored it in the car, he said. Without ladders, Ruvalcaba just jumped down' into the trench. "I saw a shadow at the end, then dirt was on top of us," Ruvalcaba said. "It covered us a falling on top of us." He dilaft see Cook again until others tried to remove his body, he testified. Although the company typical-



Cave-in: This is the construction site where an Ypailanti man was killed in a cave-in. The owner the company that was in charge of the work at the time of the accident will stand trial in the case.

Sherbet, an eight-year employee, assumed that Curtis was "just trying to take the pressure off me" because there was a lot of

riving to take the pressure off me' because there was a lot of work.

Employees received a training book and hard hats, which they frequently didn't want to wear. Sherbet said. 'They fall off, they're heavy and, they're hot, he said.

William Cannon, an investigator for the Michigan Department of Consumer and Industry Services Construction is factly Division, inspected the dwe-in site.

'The trenth was pot out back properly,' Cannon-said. There were a lot of methods that could be used to protect the trench. That included using benching, that is, cutting back the earth, aloping, and a trench box. 'It was an avoidable accident,' Cannon said.

Richard Anderson of Somat Co., the prosecution's soil expert, held a similar opinion. The digrey "should have seen 'fissures and micro-cracking in the clay as the vertical trench was dug, Anderson said. 'Children knows dug, Anderson said. 'Children know that playing in a sand box,' he commented. 'Sand doesn't stack up well vertically."

This is a precedent-setting case for Wayne County. David McCreedy, an assistant Wayne County prosecutor, said after the preliminary exam. He acknowledged at Curtis' arraignment in December that the charge was meant to send a message.

Wayne County Presecutor

meant to send a message. Occupat Wayne County Presecutor Act 254.

ly didn't dig trenches, Paul "Al"
Sherbet, an eight-year employee,
Nov. 30 press release that he
assumed that Curtis was just
was recommending the warnet
rying to take the pressure off. At the time, O'Hair said, "It is our hope that this prosecution has the dual effect of eliminating those needless deaths and to alert workers of these dangers. These are not simply accidented but rather they are incidents which can and must be avoided. Employers should be on notice that they will be held accountable if they fail to protect their employees from periluus situations which were created by the employees. "The very pleased," said Hilary Wanite, Cook's fiancée, who spoke to the press after the hearing. "The judge did the just and right thing, What they did was blatantly awong."

Before the hearing, Waite, a former Ypsilanti resident, said she moved to San Diego, Calif, last year. "I wasa't going to pay another tax dollar in Michigan until I got some justice," abe said.

In pressing law enforcement officials and prosecutors to seek charges in this cane, Waite compiled a detailed, collated binder of her conversations and contacts as well as MIOSHA's report that our hope that this prosecution has the dual effect of eliminating

pinet a detailed, collated binder of her conversations and contacts as well as MIOSHA's report that resulted in the insuance of six serious violations. Initial findings by MIOSHA revealed conditions which did not comply with the provisions of the Michigan Occupational Safety and Health national Safety and Health

Tax counseling available

This year's Tax Counseling for the Elderly Program-continues through April 14.

The purpoge of the program is to provide free tax preparation service to taxpayers 60 years of seg and older, of low or moderate income, who live in the Farming-ton/Farmington Hills area. Both federal and state tax returns are prepared.

prepared.

racilities are made available

the downtown Farmington
library branch and the William
Costick Activities Center, Farm-

ington Hills.

Center - 10:30 a.m. and 2:30

SENIORS

Counseling will be available on the following dates: Farmington Hills Senior

Farmington City Library noon and 3 p.m. every Friday through April 14.

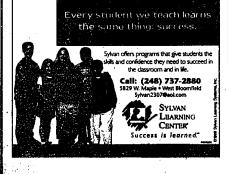
Winter RESERVATION
Winter II Registration
begins Feb. 21. There is a
wide variety of swim classes
available. The YMCA swim
program has been completely
redesigned to 5s more comprehensive in hature to
ensure all youngsters taking
the YMCA swim lessons are
completely competent. Nick
Fit, Dance Fit and Arthritis
exercise in the whole has also

be available for creative expression. Bring a friend and come for the fun.

YMCA HIGHLIGHTS

Registration for basketball and indoor secsor is now being taken at the Farmington YMCA. Basketball for ages 8-11 will be offered as well as indoor secsor for grades K-4. Forms are available at the front desk.

A weight management program designed and taught by the Center for Weight Management is now available. It is designed for youngsters 8-10. The Management is now available. It is designed for youngsters 8-17 and meets every Thirsday at the YMCA. Call Told Morris at 553-1935.



New patients welcomed

Robert K. Brateman, M.D. Mary Elizabeth Rupp, M.D. Deanna Master, M.D.

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