

The Farmington Observer

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Hills business owner goes to trial in cave-in

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

William Roger Curtis Jr. faces a Feb. 26 circuit court arraignment at the Frank Murphy Hall of Justice. Curtis is charged with involuntary manslaughter in the April 1, 1999, death of Cameron Cook, an employee trapped in the trench when a section of a clay wall caved in.

If convicted, Curtis faces a maximum penalty of 15 years in prison. Curtis was operating the excavator that was digging the trench at the time of the cave-in at a new housing development site on Maple Ridge Road near Ridge and Powell.

At Friday's preliminary exam, 35th District Judge John MacDonald called this a case of "first impressions," stating there was probable cause to bind the case over to Wayne County Circuit Court. He based his decision on previous court cases involving involuntary manslaughter that cited knowledge of the situation, omission to perform a legal duty and grossly negligent disregard of life.

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 wall, failing to remove excavated soil from the edge of the trench, not providing ladders or hard hats and failing to properly train Cook in safety procedures.

Defense attorney Raymond

'I saw a shadow at 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

Cassara called no witnesses. "Curtis doesn't do branching," Cassara said. "His conduct was not a willful act and doesn't show willful neglect." Cassara told MacDonald he was "breaking brand new ground" in binding over the corporation also.

"I'm disappointed and surprised," Cassara said after the hearing. "My client is very upset."

The prosecution called several witnesses. Moises Ruvalcaba, an employee who was with Cook in the trench at the time of the accident, testified with the assistance of Carol Reina, a Spanish interpreter. The two men were laying sewer lines when the accident occurred. Ruvalcaba worked for the construction company five years and worked inside 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 get out of a cave-in. Neither man was wearing a hard hat but Ruvalcaba 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 ... It felt like the whole world was falling on top of us." He didn't 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 Ypsilanti man was killed in a cave-in. The owner of the company that was in charge of the work at the time of the accident will stand trial in the case.

ly didn't dig trenches, Paul "Al" Sherbet, an eight-year employee, assumed that Curtis was "just trying 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/Safety Division, inspected the cave-in site.

"The trench was not cut back properly," Cannon said. There were a lot of methods that could be used to protect the trench. "The judge did the just and right thing. What they did was blatantly wrong."

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

In pressing law enforcement officials and prosecutors to seek charges in this case, Waite compiled a detailed, collated binder of her conversations and contacts as well as MIOSHA's report that resulted in the issuance of six serious violations. Initial findings by MIOSHA revealed conditions which did not comply with the provisions of the Michigan Occupational Safety and Health Act 254.

John D. O'Hair announced in a Nov. 30 press release that he was recommending the warrant. At the time, O'Hair said, "It is our hope that this prosecution has the dual effect of eliminating these needless deaths and to alert workers of these dangers. These are not simply 'accidents' 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 perilous situations which were created by the employees."

"I'm very pleased," said Hilary Waite, Cook's fiancée, who spoke to the press after the hearing. "The judge did the just and right thing. What they did was blatantly wrong."

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Tax counseling available

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

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

Facilities are made available at the downtown Farmington library branch and the William Costick Activities Center, Farm-

SENIORS

ington Hills.

Counseling will be available on the following dates:

Farmington Hills Senior Center - 10:30 a.m. and 2:30 p.m. every Tuesday through April 11.

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

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YMCA HIGHLIGHTS

WINTER REGISTRATION

Winter II Registration begins Feb. 21. There is a wide variety of swim classes available. The YMCA swim program has been completely redesigned to be more comprehensive in nature to ensure all youngsters taking the YMCA swim lessons are completely competent. Kick Fit, Dance Fit and Aerobic exercise in the water are also available.

COACHES
Join YMCA swim leaders for coffee, hot chocolate and entertainment in the Youth Center 7-11 p.m. Friday, Feb. 17. Open swim sign the house for the YMCA Arts and Recreation program will

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

SPORTS REGISTRATION

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

YOUTH FIT

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

