

URS to pay \$52 million in 35W case

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A global settlement of about \$52 million has been reached in the case against the engineers who worked on the I-35W bridge, which collapsed three years ago.

The settlement will give the plaintiffs 100 percent of their damages as previously determined by a panel of “special masters” who administered the state’s special compensation fund of about \$37 million, said Minneapolis attorney Chris Messerly. The funds will be paid by the engineering firm URS, accused by the plaintiffs of negligently failing to properly evaluate the bridge’s structural integrity after it was hired by the State of Minnesota to provide engineering services.

In addition, the attorneys in a group of 17 law firms who handled the case pro bono were awarded \$1.5 million, which they will donate for the construction of a memorial to the bridge victims.

At a Monday news conference, Messerly revealed that the settlement had been



Thirteen people died and 145 people were injured when the Mississippi River bridge broke apart in 2007. (File photo: Bill Klotz)

reached in a 13-hour settlement conference Aug. 14, conducted at the Hennepin County Government Center in the presence of District Court Judge Deborah Hedlund and with the assistance of mediator John Harens.

The settlement provides approximately \$42.4 million to the clients represented by the group headed by Messerly. In addition, a group of plaintiffs represented by the Schwebel Goetz & Sieben firm will receive about \$7.7 million, and various other claims added about \$2.3 million to the total.

Attorneys for URS could not be reached for comment, but in a statement released late Monday, the company noted that though there was

“no admission of liability or fault by URS,” it was “in the best interest of the company and its shareholders to resolve this matter and avoid the cost and distraction of protracted litigation.”

The bridge survivors previously had been paid \$36.6 million by the state of Minnesota’s special compensation fund and \$10.1 million by PCI Corporation, which was resurfacing the bridge when it fell. The bridge survivors and the families of the deceased have been awarded about \$95 million to date, including the sums announced Monday.

Messerly said the settlement achieved two goals: It provided justice for the survivors, and it told the world why the bridge fell. The bridge fell not only because

the gusset plates failed but because the roller bearings seized and did not allow the bridge to expand and contract with the temperature, Messerly said.

Those facts were revealed, he added, in what some referred to as “smoking gun” documents attached to the plaintiffs’ punitive damage motion filed in June. Asked if the punitive damage motion drove the case to settlement, Messerly said he didn’t know – with a knowing grin.

Attorney Jim Schwebel did not attend the news conference but said in a news release, “URS Corporation’s concern over the potential of punitive damages was a factor in bringing about this settlement at this time.” Schwebel said his firm han-

Bridge

Roller bearing seizure contributed to collapse, attorney says

dled the cases on a contingent fee but would not reveal details.

Messerly said the attorneys' investigation went into more detail than the National Transportation Safety Board, which only got part of the cause right when it attributed the collapse to the gusset plates, he said. Asked whether the NTSB was affected by "political meddling," he said that political meddling questions were above his pay grade, but added that others could determine who appointed the board.

But the story of the bridge collapse should not be about gusset plates, said attorney Philip Sieff, who worked with Messerly.

"The courage, determination and spirit of the survivors and their families defy explanation," Sieff said. "It should be easy for you to

understand when I say it was inspiring. Talk about Minnesota nice," he said,

deceased attended the emotional news conference, along with Rep. Ryan

day for us," said Paula Coulter, who received back and brain injuries when her vehicle, also containing her husband and two children, plunged into the river. "We have changed forever."

Erica Gwillim, whose vehicle plunged 85 feet to the bottom of the river, said that she did not believe the litigation would heal her but she was relieved that there would be no trial: "I hope this process will show other companies they have to work with integrity," she said.

The only aspects of the I-35W bridge litigation that remain unsettled are the claims being made by the state of Minnesota and URS against Jacobs Engineering, the successor to the firm that designed the bridge in 1960. That matter is scheduled for trial in April 2011.

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noting that some people on the bridge asked that their share of the settlement be donated to others.

Several bridge survivors or family members of the

Winkler, D-Golden Valley, who was instrumental in getting the state special compensation fund under way.

"This is a bittersweet