

Family gets \$28M in Big Dig settlement

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The family of a Jamaica Plain woman crushed to death in the 2006 Big Dig ceiling collapse will collect more than \$28 million after reaching settlements today with the last and largest of the defendants in the family's civil lawsuit.

Milena Del Valle's family agreed to accept a total of \$18.1 million from construction contractor Modern Continental, project manager Bechtel/Parsons Brinckerhoff, six smaller companies, and the Massachusetts Turnpike Authority, according to the family's lawyers.

The Del Valle family had already settled with two other defendants for \$10 million.

Del Valle, a 38-year-old mother of three, was killed and her husband was injured when concrete panels crashed from the ceiling of the Interstate 90 connector tunnel onto her car on July 10, 2006. Less than two months later, her family filed the lawsuit in Suffolk Superior Court against 18 defendants.

Today's agreements, once finalized in court, will bring the lawsuit to a close.

"Our hearts still ache for our mother, and always will, but we find peace in knowing that she is with God, and that we have honored her life and her memory by seeking the truth," said a statement issued tonight by Del Valle's three children, including daughter Raquel Ibarra Mora.

"This has been an intense, hotly contested litigation" said Boston-based lawyer Bradley Henry, who represents Del Valle's children in the case. "But the family's instructions to us from the very beginning had been to find out the truth behind Milena's death and to let no one hide or delay that task."

Del Valle's children will receive a little more than half of the money and Del Valle's husband, Angel, will receive the rest.

There is no admission of liability on the part of the defendants in the settlement agreements. There is also no confidentiality agreement, common in such cases, because the family would not agree to one, the lawyers said.

"We brought this lawsuit to shine a light on what had happened," said Boston-based lawyer Jeffrey Denner, who, with co-counsel Raipher Pellegrino, represents Del Valle's husband. "That has occurred."

Spokesmen for Bechtel/Parsons Brinckerhoff, Modern Continental, and the Turnpike Authority could not be reached for comment.

Investigations of the ceiling collapse showed that a string of failures -- and, in some instances what authorities said was deliberate negligence -- caused the collapse as the Del Valles were heading to the airport that night. Concrete panels weighing 26 tons fell from the ceiling after the failure of bolts that had been secured with epoxy.

The National Transportation Safety Board faulted, among others, Bechtel/Parsons Brinckerhoff and the Turnpike Authority for not taking steps to prevent the collapse; epoxy vendor Powers Fasteners; Modern Continental, which installed the bolts; and Gannett Fleming, which designed the tunnel ceiling.

To avert criminal charges in the collapse, Bechtel and a number of smaller companies agreed to a settlement with the state in January of roughly \$450 million. The payment did not avert all charges, however.

Powers Fasteners was charged with one count of manslaughter by state Attorney General Martha Coakley last year, a charge that is still pending.

In May, Powers Fasteners was the subject of a federal grand jury mulling charges in the case, according to sources quoted by the Globe. And in June, the U.S. Attorney's Office in Boston brought a raft of criminal charges against Modern Continental, saying it knew the ceiling bolts were coming loose but glossed over the problem until the collapse.

Bradley said today that the ceiling was a tragedy waiting to happen.

"The truth that we found is that through a series of shortcuts and repeated attempts to avoid addressing a known problem back in 1999, the ceiling that later collapsed was put in place, waiting that whole time just to fall," he said. "Engineers who knew of failures in 1999 at a minimum turned a blind eye to the problem and in some instances tried to hide the defect."

The civil settlements were reached through mediation conducted by Brockton-based mediator Paul Finn, who also handled settlements in the clergy sex abuse scandal and The Station nightclub fire in Rhode Island that killed 100 people. He worked with his partner, Brian Mone, of Commonwealth Mediation.

In addition to the large firms, smaller defendants in the settlement were Sika Corp., the company that makes the epoxy for powers; tunnel structure designer HDR Inc.; engineering design company, HNTB; and ConAm Testing, a bolt testing company.

In the earlier settlements, Powers Fasteners agreed to pay the Del Valle family \$6 million and Newman Associates, a bolt distribution company, agreed to pay \$4 million.

Bradley said he is still concerned about the Big Dig, a \$15 billion public works project that included several tunnels, highway stretches, and a bridge.

"The public has every reason to be concerned about the product they got in the Big Dig," Bradley said. "They contracted for a 75-year tunnel and received one plagued with problems from the beginning.

"It had the potential to be an engineering marvel, and in some respects met expectations. But in many respects it failed miserably."

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