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Ohio State to pay \$1 million settlement in student's dorm-elevator death

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Andy "Polo" Polakowski died on Oct. 20, 2006, when he was crushed as he was trying to step off an elevator in Stradley Hall. His upper body was wedged between the ceiling of the elevator and the floor of the third-floor lobby as the elevator suddenly descended from the third floor with its doors open.

His parents, Janina and Kazimierz, sued the university in the Ohio Court of Claims three years after their only son's death. They said the school was negligent in maintaining, inspecting, repairing and operating the elevator.

A relative at the Polakowskis' home in Millcreek Township near Erie, Pa., said the family would not comment on the settlement.

In a statement yesterday, Ohio State called Andy Polakowski's death "a tragic loss" and said the university hoped the conclusion of the lawsuit would bring his family a measure of comfort.

"His passing serves as a continual reminder of the need for constant vigilance and education regarding student safety," the statement concluded.

Polakowski, 18, had three sisters. His family has never commented publicly about his death.

The Ohio Department of Commerce, which monitors the safety of Columbus elevators, tested the Stradley elevator after Polakowski died and found that it would not hold the 3,125 pounds it was supposed to. The department concluded that the elevator's main brake had failed.

Twenty-three other passengers on the elevator were not injured. Experts said the elevator should not have moved even if it had been overloaded.

The wrongful-death lawsuit said the elevator had a faulty brake, an inadequate counterweight, a disconnected load-weighing device, no overload-warning system and no adequate safety device to keep it from falling if the brake failed or the doors were open as it moved.

Ohio State countersued five companies as third-party defendants; all will make payments to the university as part of the agreement. The companies and payments are: Otis Elevator Co., \$387,500; Abell Elevator Service Co., \$100,000; Kone Inc., \$50,000; Hanbury Evans Wright Vlattas & Co., \$25,000; and C&N Construction Services Inc., \$50,000.

Otis Elevator manufactured the elevator and held the service contract until shortly before the death. Abell Elevator took over the service contract on Oct. 1, 2006.

The other three companies were involved in upgrades for the Stradley elevators in the late 1990s.

Hanbury Evans designed the upgrades, Kone was a subcontractor and C&N was the contractor.

None of the defendants admitted guilt as part of the settlement.

The incident spurred an extensive check of the university's elevators. Safety devices were added to a number of them, including the one in which Polakowski died.

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