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Firefighters continue working the scene of a massive fire spread across at least two structures and threatened others in Charlotte's South Park neighborhood Thursday morning, May 18, 2023

Builders warn they'll blame victims for not escaping fire

BY GAVIN OFF
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Companies building the SouthPark apartment complex where two workers died in a massive fire last year have issued a warning.

If they are labeled negligent in the deaths, they will make a case that the men who died were negligent for not escaping alive, says a court filing by an attorney representing companies being sued over the workers' deaths.

Other workers in the building, including some on the same and higher floors, "were able to hear, (heed) and follow evacuation warnings and instruction," reads the filing for the companies, some of which were cited for state safety violations after the men died.

In making the argument, attorneys are threatening to use a defense allowed only in North Carolina, three other states and Washington, D.C.

It is called the contributory negligence defense. It states that if victims helped cause their injuries — even in the slightest way — then the victims or their fam-



Reuben Holmes, left, and Demonte Sherrill, right, were killed in the massive 2023 fire at an apartment building under construction near SouthPark Mall. Defense attorneys may argue they were negligent for not escaping alive.

ilies get no financial compensation at all.

Some call the defense fair. Others call it archaic and draconian.

Efforts to change the North Carolina law have failed, including one led by powerful state Senate Republicans in recent years.

Faith Fox, the Charlotte attorney who is representing the families of Reuben Holmes and Demonte Sherrill, declined to comment on the defense's argument.

But in a court document filed this

month, she wrote: "The circumstances surrounding the fire on May 18, 2023, demonstrate conclusively that at no point did Sherrill and Holmes have the ability, awareness, or practical opportunity to alter the course of events leading to the tragic outcome of their deaths."

TRAPPED ON THE SIXTH FLOOR

In May 2023, Holmes and Sherrill were hanging windows on the sixth floor of a 239-unit apartment building under construction on Liberty Row Drive.

In the parking garage below, a generator's diesel engine in a trailer filled with spray-foam chemicals failed, a N.C. Department of Labor investigation found. The trailer ignited, sending flames racing up the mostly wood-framed building under construction.

Holmes and Sherrill were about 460 feet from the building's lone stairway when Holmes called his boss, owner of KS Windows and Doors of Atlanta, a state Department of Labor investigation found. He said they were trapped, the state records show.

Firefighters made it to the sixth floor

SEE VICTIMS, 13A

Village Tavern shuts down South Park location

BY HEIDI FINLEY
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Village Tavern, a North Carolina-based restaurant known for steak, seafood and Tavern specialties, has permanently closed the doors to its South Park location this week.

"We closed officially Monday morning," the person answering the phone at the Charlotte location told CharlotteFive before directing us to their corporate office.

Kim Ryan, an administrative assistant at Village Tavern's corporate office in Winston-Salem, read CharlotteFive the same note that Charlotte Ledger first reported was posted outside the door of the SouthPark restaurant. The statement said:

"After 35 successful years, we have decided to close our SouthPark location. We were at the end of our lease and despite great discussions with our accommodating landlord, we ultimately determined the space could not accommodate our newest menus and design prototypes going forward long term."

The note continued, "We hope to return to Charlotte, a city we love, as soon as we can identify an appropriate location and space."

Village Tavern isn't the first South Park loss of a longtime restaurant this year. Harper's Restaurant, a staple in SouthPark since 1992, closed in July after the landlord decided not to renew its lease in order to make room for a bank, CharlotteFive previously reported.

The Village Tavern statement also thanked its employees and customers,

saying: "We would be amiss if we did not acknowledge a group of individuals: Our wonderful employees, many of them have been with us for decades, they are the best in the business and created exceptional guest experiences every day! And to all the loyal customers who became friends and family."

Village Tavern has eight other locations, which include restaurants in Greensboro and Raleigh and two in Winston-Salem. Scott Richardson founded the chain in Winston-Salem that's celebrating its 40th anniversary this year.

VILLAGE TAVERN

Location: 4201 Congress St, Charlotte, NC 28209

Instagram: @villagetavern

Uniquely Charlotte: *Uniquely Charlotte is an Observer subscriber collection of moments, landmarks and personalities that define the uniqueness (and pride) of why we live in the Charlotte region.*

Heidi Finley: @HWhiteFinley

Trump urges NC voters to back him to 'save America'

BY MARY RAMSEY, NORA O'NEILL, KYLE INGRAM AND JOSH BERGERON
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Former President Donald Trump spent nearly all of Monday in battleground North Carolina as he surveyed Hurricane Helene destruction, spoke with faith leaders and urged people to vote as election day looms just two weeks away.

The Republican nominee began in Swannanoa in Western North Carolina to see the destruction caused by Hurricane Helene before holding a rally across the state at East Carolina University's campus in Greenville. He ended the day by heading back west, addressing faith leaders at an invite-only meeting in Concord. At each stop, he reiterated similar claims and urged people to vote for him to "save America."

"With your vote this November, we are going to fire Kamala Harris, we are going to save America and we're going to restore the greatness of our nation," Trump said in Greenville.

Trump was accompanied by U.S. Rep. Chuck Edwards, N.C. House Speaker Tim Moore and other officials in Western North Carolina, where he said he wished FEMA was doing more for victims of the storm. He repeated the same conspiracy theory in Swannanoa, Concord and Greenville that FEMA allocated funds to migrant services rather than Helene aid, a claim FEMA has called false.

"Our hearts are with you and we are praying for you, and we will come back, and we will be here on Jan. 20," he said in Greenville of those affected by the storm. "You didn't get the proper support from this administration — they spent their money on illegal migrants."

In Greenville, at the Williams Arena at Minges Coliseum, Trump spoke to rally attendees about his plans for a mass deportation of immigrants if elected, as well as his belief that Vice President Harris taking President Joe Biden's place as the Democratic nominee for president was akin to overthrowing a U.S. president.

The coliseum is the same venue where Harris held a rally a week ago. Trump was joined by Laurie Buckhout, the Republican candidate for Congress in northeastern North Carolina, and Rep. Dan Bishop, the GOP candidate for state attorney general.

His last visit of the day took place at the Concord Convention Center where he, along with his son Eric Trump and Ben Carson, the former U.S. secretary for Housing and Urban Development, addressed religious leaders. Trump spoke

SEE TRUMP, 12A



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