

Settlement over Hurricane Rita bus fire brings closure

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Nearly four years after 23 Bellaire nursing home residents died in a fiery bus while evacuating from Hurricane Rita, their families have reached a settlement awarding them \$80 million.

"It's just helping us have closure," said Susan Elledge, whose mother, Rebecca Elledge, and aunt, Maxcy Hathorn, both died aboard the bus after it caught fire just 35 miles from its destination in Dallas. "I hope the companies involved will change the way they do things. Do a little more towards safety on the buses."

In the chaotic week leading up to Hurricane Rita, Brighton Gardens, a Bellaire nursing home owned by Sunrise Senior Living Services of McLean, Va., quickly ordered buses for its residents and staff so they could evacuate to a sister facility in Dallas. As Rita churned through the Gulf of Mexico on Sept. 23, 2005, nursing home residents and staff boarded two buses provided by Global Limo Inc. of Pharr, Texas.

On the way to Dallas, one of the buses caught fire and 23 Brighton Gardens residents died. The National Highway Traffic Safety Administration later determined the probable cause of the accident was insufficient lubrication of a rear axle, which overheated and caused a fire in the wheel well that quickly filled the 1998 bus with flames and heavy smoke.

The settlement was disclosed in a filing made Thursday to a South Texas court by Richard Mithoff, the plaintiffs' lead liaison attorney.

"We believe we have accomplished something important for our clients," said Mithoff, who represented seven families of victims.

What families claimed

The families had claimed Brighton Gardens' corporate parent and its bus broker failed to screen Global Limo properly before contracting with them and used a bus that was unsafe. The plaintiffs contended that Motor Coach Industries, the bus manufacturer, and component makers were aware of a design defect in the hub and axle system that could fail and result in injuries.

The settlement includes a prior agreement in 2007 to end a lawsuit against the nursing home's corporate owner. It adds the bus manufacturer and operator, as well as several parties who designed or fixed components on the 1998 Motor Coach Industries bus.

Thursday's settlement adds MCI, the bus manufacturer; ArvinMeritor Inc., the designer of the axle and rear wheel assembly; SKF Industries, a component maker; Global Charter, which was operating as the bus broker, The Bus Bank; Global Limo, the bus operator; Valley Volvo, which serviced the bus shortly before the trip to Houston; and K&S Towing, which changed a tire in the wheel area where the fire began, just hours before it erupted.

Attorneys representing plaintiffs in the case bought a similar bus for their own investigation into the fire.

"We discovered, in the course of taking depositions, too much heat generated in the hub assembly," Mithoff said. "It led us to conclude there was a design defect."

Safety of buses defended

Randy Sorrels, who represented families of three of the deceased passengers, said the attorneys' investigation into the accident led them to conclude there was more to the cause than just insufficient lubrication of an axle.

"If there's a lesson to be learned from this, you just can't look at the onion and know what's in the middle," Sorrels said.

Attorney John Dacus of Dallas disputed plaintiffs' lawyers' conclusions, explaining that the fact that MCI is settling the lawsuit does not reflect in any way that the buses are unsafe.

"No, absolutely not," he said. "The case is settled because it's been in litigation for many years. There finally comes a point where you can no longer litigate something."

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