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Attorney: Indiana fair stage had no inspections or permits

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The collapsed stage at the Indiana State Fair. (Photo by Joey Foley / Getty Images)

From the Los Angeles Times 2:29 p.m. CDT, August 20, 2011

The legal fight over the Indiana State Fair stage collapse has begun. An attorney who's filed a wrongful death lawsuit on behalf of one of the victims says that no one needed to die when the stage collapsed last week, killing six.

Flimsy stage construction and failure to take simple precautionary measures -- such as hiring a private meteorologist, or heeding weather warnings -- directly led to the tragedy, the attorney told the Los Angeles Times.

"This stage was erected without any inspections or permits," injury attorney Kenneth J. Allen told The Times on Saturday. "It's outrageous."

A spokesman for the Indiana State Fair contacted by The Times said he would not comment on Allen's allegations, or discuss anything related to the pending investigation. State officials could not be reached for comment Saturday, but Indiana newspapers have reported that two outside firms have been hired to investigate why the stage collapsed one week ago today and came crashing down on fans at a Sugarland concert.

Allen's lawsuit, filed in Indiana state court against the event organizers, alleges that organizers "did not reasonably exercise due care in the design, set-up, configuration, layout and construction of the concert stage area." The complaint says the the concert stage was also overloaded with equipment, improperly configured and failed to meet safety guidelines, including those mandated by Occupational Safety and Health Administration.

Allen said he is moving quickly to gain access to the evidence to prevent any tampering or destruction of evidence. He filed a wrongful death lawsuit Friday on behalf of Tammy VanDam, 42, of Wanatah, Ind., who was crushed when the stage collapsed and died of her injuries. A court hearing is set for Tuesday.

"It has been reported that this occurrence was a fluke of the weather. The facts prove otherwise," he said. Fair officials were advised at 7 p.m. of "severe thunderstorms" approaching the fairground. "Yet they did nothing," he said. That report was reconfirmed about an hour later, when the storms drew closer. Allen said "severe thunderstorms" is a term for heavy winds and rains, hail, and lightning -- and that the potential for lightning alone should have caused fair official to call off the concert and send everyone home.

Simple safety measures, combined with heeding the weather warnings, could have prevented the tragedy, the attorney maintains.

Allen says his legal challenge will go beyond the circumstances of the stage collapse.

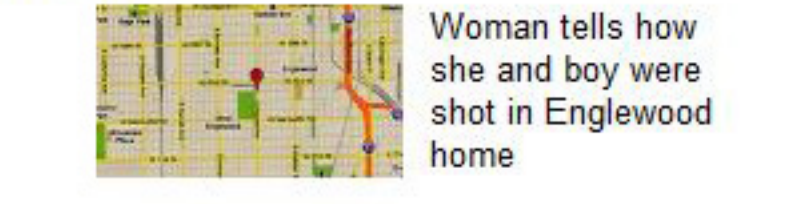
The incident that killed VanDam also severely injured her life partner, Beth Urschel, 49, also of Wanatah. Urschel suffered a crushed leg and shoulder, and lost several of her toes. Because Indiana does not recognize same-sex couples, Urschel was unable to recover her partner's body at the morgue.

"This is an inequity we also intend to address in this lawsuit," he said.

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