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Lawsuit filed for Wanatah victims of state fair stage collapse

By Amy Lavalley Post-Tribune correspondent August 19, 2011 5:02PM

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Beth Urschel of Wanatah tries to hold back tears while talking about her injuries after the stage collapsed on her before a Sugarland show during the Indiana State Fair Saturday, Aug. 13, 2011, while discussing the lawsuit that was filed on her behalf at the law office of Kenneth Allen Friday, Aug. 19, 2011, in Valparaiso, Ind. Urschel was the life partner of Tammy Vandam who was killed at the stage collapse. | Scott M. Bort~Sun-Times Media

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VALPARAISO — A lawsuit seeking in excess of $50 million in damages for the estate of Tammy VanDam, 42, of Wanatah, killed Aug. 13 when a stage collapsed at the Indiana State Fair in high winds, was filed Friday afternoon in LaPorte Circuit Court by Valparaiso attorney Kenneth J. Allen.

A second lawsuit seeks more than $10 million on behalf of Beth Urschel, 49, also of Wanatah and VanDam's life partner. Urschel was severely injured when the stage toppled.

Through her sobs and pain she admitted was so bad she wanted to throw up, Urschel described the injuries she sustained when the grandstand collapsed shortly before the country music duo Sugarland was to perform.

The greatest pain of all for Urschel was the loss of VanDam, who was one of four people killed at the scene in Indianapolis. One person died at a hospital the next day, and a sixth person, a Ball State University student, died Thursday. Dozens more were injured.

"We had so many plans, so many things we wanted to do," a tearful Urschel said from her wheelchair. The two met in 1999 and married a couple years later in Hawaii, where their union was legal. "It was her birthday weekend. I was taking her to see her favorite band."

As part of the lawsuit for VanDam's estate, Allen asked for a temporary restraining order against those responsible for the stage collapse, including the state of Indiana, the Indiana State Fair Commission and Live Nation, to preserve evidence at the Hoosier Lottery Grandstand. According to the lawsuit, that evidence includes the stage and rigging, as well as any documents or other material related to the incident.

Defendants named in both suits include Mid-America Sound Corp., Lucas Entertainment Group and Live Nation.

LaPorte Circuit Judge Tomas Alevizos is expected to rule Tuesday morning on whether the restraining order should be granted.

During a news conference at his Valparaiso office shortly after the lawsuits were filed, Allen said the tragedy "was foreseeable and was preventable," because weather data available two hours before the stage collapse showed severe thunderstorms approaching the area. He also called the stage scaffolding "a house of cards," and added more lawsuits will be filed soon.

Urschel said she and VanDam were in the "Sugar Pit" at the front of the stage. They wondered why there was a delay between acts.

"We knew there was rain coming because we saw it off to the west," she said, adding they weren't concerned with "a little rain."

She turned her back and then heard screams and high winds.

"I looked up and here's this stage starting to fall. Where do you run? Where do you go? You basically pray that you survive," she said, adding there was nowhere to go fast enough to get away from the catastrophe.

With her right arm in a sling, Urschel detailed a few of her injuries: a broken clavicle; tissue damage in her arm; bruising to her midsection; a severed little toe that was reattached, and another toe that was crushed.

She is still waiting to hear if her kidney was lacerated, and she doesn't know if she will regain full use of her damaged foot.

"Right now I feel like throwing up because I hurt so bad," she said.

Allen used weather radar images to show how the storm moved toward the fairground. An image from about an hour before the storm hit showed wind gusts of 60 to 70 mph coming in ahead of the storm.

"We say to you, this was not an unforeseeable, unpreventable fluke," he said, referencing Gov. Mitch Daniels' depiction of the way the storm hit that night as "a fluke." "It was quite the opposite."

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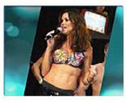

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