

Court Grants Patrick Murphy's Request for Emergency Order

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Chicago Tribune

July 5, 2003

"City Told to Save Remains of Porch"

A Cook County Circuit Court judge issued an emergency order Friday that requires Chicago officials to preserve debris and other evidence collected from the Lincoln Park apartment building where a porch collapsed last weekend, killing 13 people.

The order was sought by attorneys representing the family of Kelly McKinnell, a 26-year-old woman who was among those killed early Sunday when porches gave way during a party at 713 W. Wrightwood Ave.

The attorneys said that they plan to file a wrongful-death lawsuit Monday and that it was critical to preserve evidence.

"These items must be properly preserved and protected in order to protect the rights of all parties and to afford all parties a fair trial," according to legal documents filed by attorneys for Corboy & Demetrio, a Chicago personal-injury law firm that represents Jean Ware, McKinnell's mother.

Francis Patrick Murphy, one of the lawyers, echoed criticism by other attorneys who have questioned the city's decision to tear down the remaining sections of the porch and remove the debris. He said the city had made no effort to catalog or sort the debris.

"It should have been left there until other experts had a chance to examine it," he said. "If we didn't do this today, there would be three more days during which the city would have an opportunity to contaminate or destroy the evidence."

Attorneys

- Francis Patrick Murphy

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A spokeswoman for the city's Law Department said earlier this week that the debris was removed because it was in the middle of two occupied apartment buildings. The debris is being stored in a hangar at O'Hare International Airport. A copy of the order, which was provided by the law firm, indicates that attorneys want all wood, nails, braces and other material used in the construction of the porch to be protected in an indoor location. It also sought protection for all building records and photographs taken of the scene.