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COURTS

Tower blaze spawns lawsuit

Lawyer for structures owner, maker says negligence not to blame

By Jason Carmel Davis

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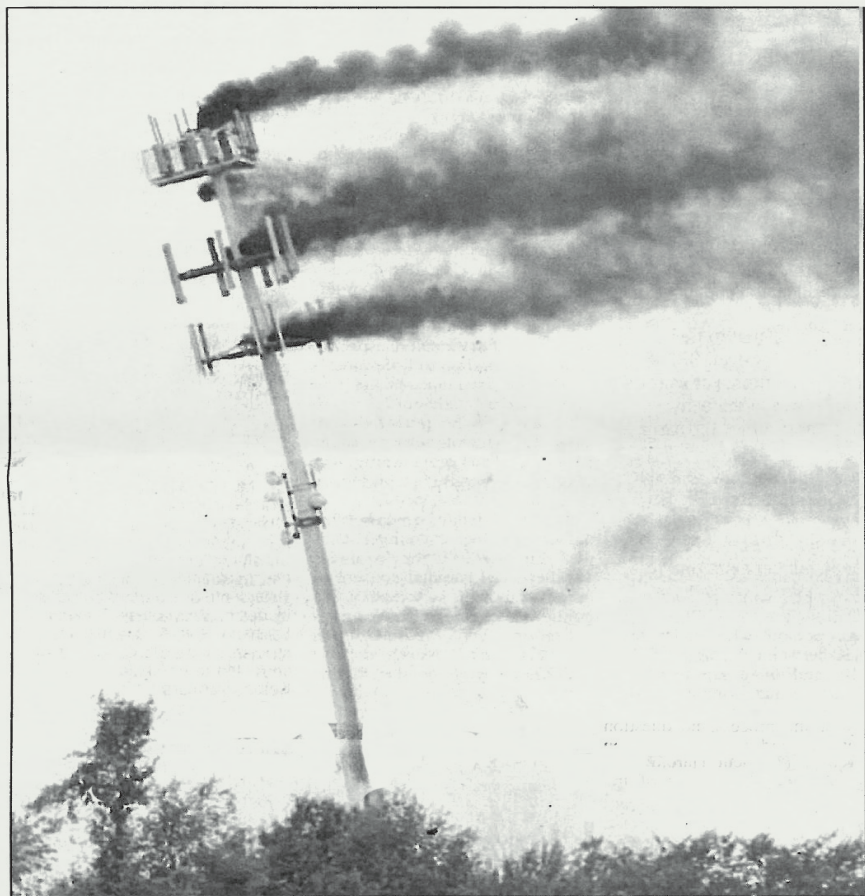
The insurance company that paid out more than \$100,000 to Howell Public Schools after a cell phone tower caught fire in 2007 has filed a civil suit claiming negligence on the part of the company that owns the tower and the company that manufactured the tower.

A SET SEG, a Lansing-based company that insures the Howell district and more than 400 other Michigan school systems, in June filed a complaint against Massachusetts-based American Towers Inc. and Commstructures Inc. of Florida, alleging the fire and subsequent damage were a result of negligence of the defendants. Howell Public Schools is not a party to the suit.

The insurance company is seeking an unspecified amount from the two defendants.

A pretrial hearing has been set for June 17 in Livingston County Circuit Judge Michael P. Hatty's courtroom.

Wayne Geik, the attorney representing the defendants, in his answer said the plaintiff's complaint is defective since it did not include a copy of the insurance policy. Geik also wrote that any damage sustained by school district buildings and land was caused by something other than negligence. Mark Ostrowski, representing SET SEG, on Monday declined comment on the suit, as it is still pending.



File photo by GILLIS BENEDICT/DAILY PRESS & ARGUS

A cellular tower near M-59 and Highlander Way in Howell burns July 24, 2007. The insurance company that paid out more than \$100,000 to Howell Public Schools after the blaze is suing the maker and the owner of the tower for negligence, which the attorney for the defendants denies.

The fire caused damage to 10 wireless radar-transmitting computers and associated cables and equipment owned by Howell schools. Four cell phone carriers lease space on the tower, including Sprint, Nextel and AT&T.

That tower and its transmitting capabilities allow for communication between a number of the district's build-

ings, according to Howell Associate Superintendent of Business Rick Terres.

Also damaged in the fire was the school district's bus garage. The district last year recouped money from the insurance provided by SET SEG, Terres said. Contact Daily Press & Argus reporter Jason Carmel Davis at (517) 552-2857 or at jcdavis@gannett.com.