

Newtown Seeks Dismissal of Glass Safety Lawsuit

The Town of Newtown, Conn., and its board of education are seeking the dismissal of a pending wrongful death lawsuit filed against them by the estates of two children killed in the 2012 Sandy Hook School shooting. The lawsuit claims the school had insufficient security, including “non-safety glass” used in the facility’s entrances.

According to court documents, the plaintiffs claim the school “failed to provide a security guard or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building, while leaving a large enough non-safety glass window directly to the right of the locked outer doors of the school, making access to the building relatively simple, and [making] successful lockdown of the building virtually impossible.”

The 12-square-foot glass allowed the shooter to enter the building forcibly and made the locking of those doors a useless measure, the lawsuit alleges. The shooter used a semiautomatic rifle to shoot through the glass lite and enter the building. Several other cases of alleged negligence were listed in the complaint.

The estates proposed an \$11 million settlement in June 2016, which the town and school board denied.

Court documents dated June 30, 2017, show the defendants moved for summary judgment, claiming “there is no genuine issue of fact regarding the defendants’ alleged negligence.”

In a corresponding 101-page memorandum of law supporting the motion, the defendants say that “given the complexities of managing for the

education and welfare of students in even the most routine of settings, the suggestion that the defendants’ pre-attack conduct in choosing which types of locks to have on their doors, how to supervise or train staff in emergency preparedness, where to store a classroom key, whether or not to hire a security guard, or whether or not to install bulletproof glass was somehow bound by a ministerial duty to act in a certain way is erroneous.”

They add, “the plaintiffs’ claims as to the defendants’ negligence cannot, as a matter of law, advance beyond the summary judgment stage. The plaintiffs’ complaint seeks to blame the plaintiffs’ loss on the very individuals who were also murdered by [the shooter]. While the defendants truly empathize with the feelings of loss suffered by the plaintiffs, a civil lawsuit seeking to hold the defendants liable by faulting school personnel, some of whom perished that day cannot continue as a matter of law. . . . the plaintiffs offer no competent evidence to establish their allegations of negligence.”

A new elementary school, which opened last fall, was built in place of the demolished building that was the site of the shooting. Architect Svigals + Partners worked closely with its security consultant, as well as a planning team that included a security committee comprised of school personnel, first responders and community members.

The parties collaborated to determine security measures that would be put in place, namely where security glazing would be implemented. Representatives from both the architect and

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glazing contractor, Accurate Door and Window, told USGlass magazine that the school used the most security glazing either party had ever seen in a project they've worked on.

Much of the glass applications in the building consist of security glazing supplied by School Guard Glass (SGG). "It's an amazing product that goes a long way in fulfilling our security goals—to deter, detect, delay and protect," says Svigals + Partners managing partner Jay Brotman. He says the glazing underwent stringent testing based on the application and framing systems used. "They had quantitative results that the product performed as they proposed," he says.

Brotman adds that the difference between the security glazing and non-security glazing used in the project is indistinguishable. In addition to

the glass makeup, many other security considerations were made in the design, including orientation and how accesses to the entrances are controlled by the landscape.

DOC Upholds Decision in Aluminum Case

The Department of Commerce (DOC) issued its final determination in the 5050 aluminum alloy circumvention case against Zhongwang and other exporters.

The DOC upheld its preliminary determination that heat-treated 5050-grade aluminum alloy—regardless of producer, exporter or importer—is covered by the antidumping duty and countervailing duty orders on aluminum extrusions from China.

"Importantly, the department has also declined to require importers to

include a certification with their entry," a release from the Aluminum Extruders Council (AEC) reads. "This is significant because the determination applies to heat-treated 5050 extrusions. If the department allowed a certification, importers could simply claim that the 5050 extrusion was naturally aged and not artificially aged. This would force Customs to test the product. Without the certification, Customs will now presume a 5050 extrusion entry is subject to the tariffs unless the importer can prove that it was not heat-treated."

The AEC also notes that cash deposits, such as estimated duties, are retroactive to the effective date of initiation of the circumvention inquiry, which is March 2016. This means all entries of 5050 extrusion from then forward are subject to duties. ■



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