

Suit names bus firm in Colorado crash Teen one of many hurt after ski retreat

By **RON NISSIMOV**
Houston Chronicle

A Houston family filed the first lawsuit stemming from a December bus crash in Colorado that killed three Houstonians and injured dozens of others traveling on a church-sponsored skiing retreat.

Floyd and Paula Kight filed the state district court suit on behalf of their daughter, Jennifer Kight, 17, who suffered a serious fracture in her lower back during the Dec. 23 wreck near Canon City, Colo., about 90 miles south of Denver. The Kights, of Houston, are seeking unspecified actual and exemplary damages against Sierra Stage Coaches Inc. of South Houston.

Kight, a senior at Second Baptist High School, is no longer hospitalized and the family expresses hope that she can make a full recovery, said their attorney, Richard Mithoff. He said it is unclear if the girl will suffer any permanent problems.

Mithoff, said he has been contacted by other families of crash victims, but he declined to say who they were or if more lawsuits will be filed.

"What we do know right now about this tragic day is that the kids were screaming at the bus driver to slow down," Mithoff said Friday. "But the bus driver took no action to slow the bus down."

A secretary at Sierra Stage Coaches

said the company president, Patrick Conner, was in Florida and could not be reached for comment.

Investigators have cited excessive speed on the icy mountain road as the most likely cause of the crash. The bus, which was carrying 57 passengers from two Houston church youth groups, was descending on "Eight-Mile Hill," on the east side of the Rockies, when it lost control and rolled into a 38-foot gully.

Investigators have said that the steep stretch on U.S. 50 has wide lanes and is relatively safe. One trooper said at the time that the road was covered by "black ice."

The 72-year-old driver, Robert Gene Hawthorn, who had heart disease, was one of the three people who died. Investigators have said there is no evidence that heart problems contributed to the accident, although medical officials have said it is possible Hawthorn suffered a heart attack at the time.

Mithoff said that, according to witnesses, Hawthorn ran off the shoulder off the road minutes before the wreck, but he was able to recover.

Mithoff said that in addition to the driver's apparent excessive speed, the company should be held liable if Hawthorn's heart problems had a role in the crash. He said the National Transportation and Safety Board required that driv-

ers of commercial buses receive physical examinations every two years.

"It is inconceivable that the driver's coronary disease developed in less than two years," Mithoff said. "A significant question is whether the driver being administered physical examinations every two years, and if so, why didn't they detect the problem?"

Conner, in reports following the accident, said Hawthorn had a clean driving record and that in his nearly 10 years with the company had made about 100 tour trips to Colorado ski resorts.

"He was one of our best drivers," Conner said.

Conner has said the return trip had barely begun, so fatigue should not have been a factor.

In addition to Hawthorn, Christopher M. Scarberry, 17, a junior from Cypress Creek High School, and Kevin Matthew Donat, 16, a sophomore at Cypress Creek, died in the wreck.

Shortly after the wreck, Jennifer Kight, told a reporter she was sitting in an aisle near the front of the bus when "I saw people's faces get white, and I ran back to my seat. I felt the bus go up. I remember feeling it roll forward and over.

"The next thing I knew, I was standing around a bag in the snow, pulling clothes out and praying."