

# Sudafed plaintiffs want action

by Jack Brown  
Times staff reporter

Six months after two state residents died from taking tainted Sudafed capsules, the victims' families are asking with grief and frustration and still asking why the public wasn't informed of the danger sooner, attorneys say.

A federal judge in Tacoma has denied a request by attorneys for relatives of Kathleen Daneker and Stan McWhorter to proceed with questioning of Sudafed's manufacturer, the Burroughs Wellcome Co.

U.S. District Judge Robert Bryan this week refused to modify his earlier motion halting progress in the civil lawsuits pending the outcome of the government's criminal investigation into the February tampering incidents.

Those cases "stand the risk of irreparable harm" if the families are indefinitely blocked from seeking answers from the drug company about how it handled the tampering incident, say court papers filed by J. Murray Kleist, attorney for

McWhorter's widow, S. Jane McWhorter. Daneker, 40, of Tacoma, and McWhorter, 44, of Lacey, Thurston County, died of cyanide poisoning after taking counterfeit capsules from Sudafed 12 Hour packages. Another victim, Jennifer Meling, 28, of Tumwater, Thurston County, lapsed into a coma after taking a tainted Sudafed capsule but survived.

The FBI won't comment on its criminal investigation into the incidents, but court papers indicate evidence has been presented to a grand jury in Seattle.

Noting that a similar case a few years ago took 18 months to solve, FBI spokesman Dick Thurston said no conclusion can be drawn from the fact that six months have passed without criminal charges.

In the first nine months of this fiscal year, the bureau opened about 60 other product-tampering investigations nationally while six convictions were returned. None of those cases involved a death.

In order not to jeopardize the criminal investigation into the Sudafed case, Bryan, presiding over the civil cases, in April ordered a six-month halt to the discovery

process, through which the two sides seek information from one another.

Bryan indicated his order could be extended if necessary.

But attorneys for the families say much of what the plaintiffs want to know from Burroughs Wellcome has little bearing on the criminal case.

James Holman, representing Daneker's twin 14-year-old sons, filed with the court a list of 68 questions he wants to ask Burroughs Wellcome.

Holman, informed today of the judge's decision, said "we're concerned about the passage of time and what that does to memory... at the end of six months, we'll go forward as fast as we can."

Holman, in his motion to the court, said his clients had no desire to interfere with a criminal investigation, but said equally important "is the investigation of why there was a substantial delay at Burroughs Wellcome in notifying the public of the fact that a product manufactured by Burroughs Wellcome had been tampered with."

Nearly a month passed between the

time Jennifer Meling took a tainted Sudafed and the time that a public alert was issued and the product was recalled.

Burroughs Wellcome officials have said they were first told the Meling case was believed to be an isolated incident and did not pose a public danger.

P. Arley Harrel, an attorney for the company, had urged Bryan not to allow the plaintiffs to proceed with their questions, saying the plaintiffs failed to get the blessing of the U.S. attorney's office.

The plaintiffs, Harrel said, could not guarantee that their interrogatories wouldn't harm the criminal investigation.

In 1988, Stella Nickell of Auburn became the first person convicted under a federal law concerning deaths caused by product-tampering. She was convicted of putting cyanide in Extra Strength Excedrin capsules, resulting in the 1986 deaths of her husband, Bruce, and Sue Snow of Auburn.

Nickell was sentenced to 90 years in prison. Snow's relatives filed a wrongful-death suit that the makers of Excedrin eventually paid \$300,000 to settle.

## Cruise executive to head state ferries

A New York cruise-line executive has been selected as the new head of the Washington State Ferries, Transportation Department Secretary Duane Berentson announced today.

Thomas F. Heinan, 47, will begin work next month as assistant secretary for the marine division of the state Transportation Department, replacing Adm. Harold Parker, who retired at the end of May. The post pays \$84,000 a year.

Heinan, of Ridgewood, N.J., is director and secretary-treasurer of W & C Holdings, Inc. of New York, owners of New York Cruise Lines, Circle Line Sight-Seeing Yachts, the Hudson River Day Line and World Yachts, a dinner-cruise line.

Berentson said Heinan, in his present job, manages a staff of 750. Parker and his assistant, command, Operations Superintendent Capt. Donald Schwartzman, resigned a week after the state admitted it had allowed racial harassment on the ferries.

# Seattle Neighborhoods

## Focus on the children, candidates say

### School Board hopefuls speak

by Elise Lanoue  
Times staff reporter

It was mostly politics, not philosophy, when the election season for the Seattle School Board opened yesterday.

Ten of the 11 candidates attended a forum, supposedly to discuss their views on how the board should govern. Most, however, spent their three minutes politicking.

"I can bring a balance to the board... I will serve the children... I have the experience." And so forth and so on.

The candidates, vying to fill four of seven seats, did agree the board needs to emphasize children, not the system.

"You've told us that we need to change, and you're right," said Connie Sidles, a board member for four years from District 3 (including much of north-

east Seattle). "We need to place the child first."

Sidles suggested major restructuring of the school system, using project teams at each school to decentralize decision making. She said individual schools know their needs better than the board.

Seattle schools have been troubled with high dropout rates, widely varied achievement levels and parental dissatisfaction.

"I know that the education children in the Seattle public schools are getting today is not the education we got," said Linda Harris, a candidate for District 3, and the only certified teacher running.

Candidate Allen (Skip) Knox of District 1 (View Ridge and much of North Seattle) challenged the audience, candidates and the forum sponsor, Step Forward, an organization created to

increase interest in school leadership, to live up to their rhetoric.

"The children will tell you what you need to do. You just have to decide," he said. "Is change scary or invigorating? It's your choice."

The forum gave candidates the opportunity to list their qualifications and ask for votes, but Step Forward will not endorse any of the candidates.

The group was initiated at the request of companies such as The Boeing Co. and Safeco to encourage new leaders to run for the board.

Last year, the Cresap Report, a study sponsored by the Legislature, criticized the board for in-fighting and lack of leadership.

It recommended that board members stop meddling in day-to-day management of the district. Instead, it said, board members should act less political and more like a corporate board, making policy decisions and leaving the superintendent to carry them out.

## Restaurateur's special today is skewered bureaucrats



RICK ANDERSON  
Times staff columnist

What's new? I asked Dick Smith. "Same thing, but worse!" he said.

Dick owns two cafes and bars. I like to talk to him because he gets worked up and begins talking in exclamation points.

His clientele, for instance, consists of "alcoholics, compulsive overeaters and smokers!" So he says.

He likes them as people, though. As a gift, he gave one man free lunches. For the rest of his life. On his 52nd birthday.

Dick's two cafes are also visited by "goofy inspectors, nosy bureaucrats and other civil servants who couldn't get a job anywhere else but with the government!" So he says.

He does not like them as people, though. They get no free lunches for life; no matter how close to the grave.

"They just make things miserable for us!" Dick said. Meaning: miserable for him.

Once they made him miserable for logging the trees in front of his Five Point cafe. They were rubbing against Dick's building.

The catch was they weren't Dick's trees. They were the city's. He still wonders who called the cops. The free-lunchers were the cops.

They made him miserable for the park he built, too.

He thought the Regrade needed a playground. So he opened one in an empty lot on Third Avenue.

"What permit?" he said to the inspector.

Then there was that lawn sprinkler he kept on his roof, turning it on the bums gathered outside his cafe door.

"I'm just giving away free showers!" he told the officer.

And there was the time he hired a scantily clad woman to roller-skate with a block and plug overtime parking meters.

"It wasn't illegal, so they said it was sexist," Dick said. "It's always something!"

Now what is it, Dick?

He climbed off a bar stool at his lower Queen Anne cafe, the Mecca, striding to the men's room.

He stepped inside and turned on his new faucet. It stayed on — seconds.

"Is that a waste or what?"

A health inspector had been by. She wrote him up for his old faucets. They didn't stay on.

"I've had faucets 20 years. Then last week they're suddenly no good!"

On her report, the inspector wrote: "Faucets must be held (on, in order to stay on. Four demerits."

"Look!" Dick said. He turned on the new faucet, washed his hands and stood back.

The automatic faucet stayed on for 10 more seconds.

"It takes 15 seconds to wash. The rest is wasted. Then they cry about a water shortage!"

He strode back to the bar.

"Another thing," he said.

A copy of city Ordinance 115531, pertaining to cigarette-dispensing machines, was produced.

"Look!" Dick said.

He ran his finger down the page and began reading one line.

It said the machines had to be "located fully within premises in which inmates are expressly prohibited by law from entering and not less than ten (10) feet from any entrance or exit from such premises."

Meaning: Machines must be 10 feet inside bar door.

"Put your other oar in the water, guys!" Dick said.

His bar room is 50 feet long, but only 9 feet wide. This means one customer at a time in the aisle, that drinkers can get trapped between bar stools, that bartenders must serve sideways — and that Dick can't have a cigarette machine.

"How can I have one 9 feet from the door," Dick said, "with only 9 feet of space?"

He has two cigarette machines. Both are shoved backward into corners, unplugged.

"This law says that only Dick Smith can't sell cigarettes. That makes the law illegal!"

It also makes customers leave their drinks and cross the street to Sorry Charlie's for cigarettes.

"Then they stay there!" Dick said.

He talked to an inspector about this. "I said all rules are made to be bent or broken a little. He said too bad! Call the White House!"

What now?

"These people are God. They can do what they want, stupid as they are." Anything else?

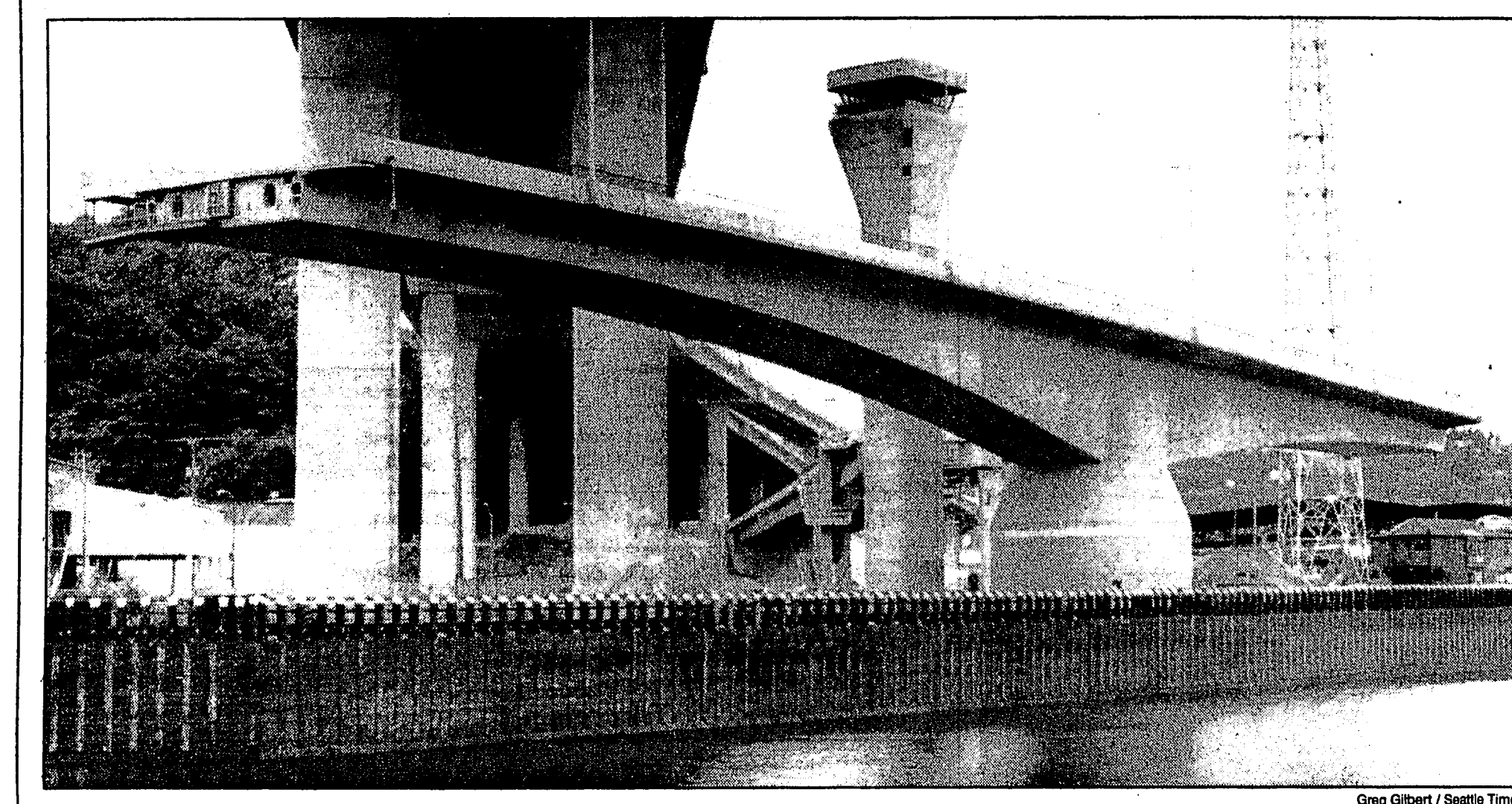
"Some people say my big mouth gets me in trouble!"

Who?

"My ex-wives!"

That's what's new with Dick.

Rock Anderson's column appears Tuesday and Thursday in the neighborhoods page and Saturday on A 2 of The Times.



The long section of piling shown here on the west side of the Duwamish River below the new lower West Seattle Bridge is what the Coast Guard cites as insufficient to protect the bridge's pedestal.

## Bridge to open despite Coast Guard warning

### BRIDGE

continued from B 1

bridge."

"The most reasonable solution to this problem, from our perspective, would be to build the pier-protection system originally approved on Dec. 2, 1986."

Instead, the city proceeded to repair the barrier of timber piles and dolphins.

Zarker took exception to Peshel's remarks, contending the accident showed that the less costly wooden system is effective.

"The pier protection system did in fact work to protect the bridge. The ship did not come in

### 'Our basic concern is protecting ships from hitting the bridge.'

John Mikesell, chief  
Coast Guard bridge section

contact with the bridge. So it did its job," he said yesterday.

However, Zarker said the city would explore options for a better protection system.

John Mikesell, chief of the Coast Guard's bridge section in Seattle, said the one first ap-

proved would have consisted of energy-absorbing circular steel cells and concrete.

"Our basic concern is protecting ships from hitting the bridge," he said. "The Coast Guard views bridges as permit-ting obstructions to navigation."

Both drawbridges are gone now, and the swing bridge, with its graceful lines, looks like a small version of the high bridge next to it.

The two-lane swing bridge, which has a pathway for bicycles and pedestrians, restores a direct route on Southwest Spokane Street between Harbor Island and West Seattle.

It is expected to carry up to 12,000 vehicles a day and to relieve traffic congestion on the high bridge during commuting hours.

### Opening ceremonies

Band music, speeches and a procession of boats in the waterway will precede the opening to traffic tomorrow of the new bridge across the Duwamish Waterway.

The 1:30 p.m. ceremony will be on the bridge's west approach. At about 3 p.m., the All-City High School Band will march across the span, leading the way for cars and trucks to begin using it.

But the bridge will be closed to vehicular traffic for the weekend at 8 p.m. tomorrow so bridge operators can receive further training in opening and closing the span. Subsequent weekend closures also may be required, until all operators are fully trained.

Until then, the bridge will be open to traffic from 6 a.m. Mondays through 8 p.m. Fridays. Motorists can expect longer and more frequent delays on the bridge until operator training is completed, the city Engineering Department said.

Mayor Norm Rice, City Councilman George Benson, state Sen. Phil Tallmadge, D-West Seattle, and former City Councilwoman Jeanette Williams will attend the ceremony. Williams was instrumental in getting various agencies to contribute money to build the bridge.

## Northwest BRIEFLY

### Elderly warned of robber who comes to door

SEATTLE

A rash of robberies of elderly residents has prompted the Seattle Police Department to advise seniors not to let strangers in their homes without proper identification.

The robber has tried to get into homes by saying he's a city inspector, a salesman or a repairman, police said. If the victims are in their yards, he attempts to get them out of public view.

The robber is described as a 5-foot-7 to 5-foot-10 African American in his 30s. He has short black hair and a medium build, and is casual and neatly dressed.

In some cases, he has been seen in front of a victim's residence in a full-size American car.

The department asks that residents call 911 instead of opening the door for a stranger asking for help.

### Firm pays \$365,000 over '88 forest fire

OLYMPIA

The state has recovered \$365,000 from a Snohomish County logging company it said was responsible for a 1988 forest fire near the town of Skykomish.

The Munn Logging Co. of Granite Falls settled with the Department of Natural Resources, which investigated the Miller Creek fire that took 120 crew members four days to control.

Investigators said the fire was started by sparks from cable yarding equipment. The blaze consumed 67 acres of land owned by the Plum Creek Timber Co. and another 13 acres of U.S. Forest Service timber, the state said.

Investigators said Munn failed to have enough water on hand to douse a fire before it got out of control.

### No Lotto winner; pot hits \$3 million

OLYMPIA

There was no jackpot winner in last night's \$2 million Washington state Lotto drawing, boosting Saturday's jackpot to \$3 million.

The winning numbers were 11, 14, 15, 16, 23 and 44.

The 39 tickets that matched five numbers are worth \$755; the 2,071 tickets that matched four are worth \$28 apiece. Sales totaled \$1,141,431.

Times staff, news services

## Convict with record of violence pleads not guilty in killing of girl

### GREEN

continued from B 1

premeditation, he said, although the charge could be amended if new information is discovered.

Prosecutors allege Green committed the murder while trying to burglarize the family's home. Green allegedly had admitted he was inside the Gere home.

Green has a record of violence against women, including a rape for which he was convicted in 1986.

He also pleaded guilty to two robberies and an assault in King County, all against females.

He was serving a 10-year sentence near Spokane and was less than a year from his release date when Gere's body was found.

### LIVER

continued from B 1

grow and play sports, then about age 13 to 15 they may need another, then maybe another when they're young adults...

But I'm sure in another decade there will be many more advances in transplants."

Perkins said about 20 percent of the first liver-transplant recipients are alive after about 20 years.

## Using adult organ shortened boy's wait

### How to donate

to obtain an organ donor card, call 1-800-422-3310.

As with all transplant patients, Luther will have to take drugs to prevent organ rejection throughout his life. In recent years, physicians have learned how to decrease the dose of prednisone, one particularly strong drug that can cause cataracts, bone disease and personality changes.

The average cost of liver transplants is \$175,000 to \$225,000 nationwide and about \$125,000 at the UW. Room rates and other charges tend to be lower in the Northwest, Perkins said.

This week's surgery was the third pediatric transplant for the UW program. (Children's is privately owned but serves as a UW teaching hospital.) One other child was large enough to take an adult liver; the other received a child's liver.

### Weekend repairs for 520 bridge

by Steve Johnston  
Times East bureau

The signs went up Tuesday morning, and by now most of the 120,000 commuters who use the Evergreen Point Floating Bridge every day should know that one of Seattle's two links to the Eastside is scheduled to be closed this weekend.

The bridge will also be closed for most of the weekends between now and Sept. 21 if the dry weather continues — all to accomplish a whole range of road improvements.

The six-week plan calls for resurfacing the floating bridge and the 10th Avenue Northeast overpass in Bellevue, resurfacing the 10th Avenue and Montlake

### Students need home away from home during their visit

CITYWIDE

Looking for a chance to brush up on your German or Italian? Know of hidden treasures or must-see places in Seattle?

The University of Washington is looking for volunteers to host international students for one day this month.

Some 43 Fulbright scholars from around the globe attend their first orientation program this year in Seattle. As part of their introduction to American life and culture, the students, ages 25 to 45, will spend Saturday, Aug. 24, with local hosts.

The UW is still looking for about 10

### Man, 34, often beats police, medics to calls in International District

by Kimberly Moy  
Times staff reporter

Before the flashing red lights of an ambulance can be seen and the wail of sirens heard, Donnie Chin arrives with his first-aid kit.

In his khaki uniform, Chin often beats the medics, firefighters and police to calls in the International District.

"He gets to the scene on foot faster than other agencies get there by vehicle," said Dr. Mitchell Copass, deputy director of Medic One. "He has started CPR (cardiopulmonary resuscitation) more than any one person in town."

Chin, 34, is on call around the clock at the International District Emergency Center, which he manages almost single-handedly. He has patrolled the streets of the district for two decades, starting as a junior high school student.

Chin and Dean Wong, now a photographer for the International Examiner, started an early version of the center in the late 1960s when they saw needs for emergency services were not being met. Chin said 911 service had not been established then, and responses from private ambulance companies were slow.

At first medics found Chin "nosey or in the way," said Bob Santos, executive director of the district's Preservation and Development Authority.

Chin gradually gained respect from emergency-service providers and from district residents and police when he showed up at calls he heard on his police scanner. Last year, he responded to about 700 calls in the district.

"The thing that makes us unique is that we're able to relate to the community on a one-to-one basis, whereas other services can't," said Chin, who grew up in the International District, where his mother still runs a store.

Through the center, Chin keeps a more intimate watch on the area than city-run services offer. "He's sort of like a protector of the people in the International District," Copass said.

Many calls to the center involve people sleeping on the street.

"Sometimes we wake people up if they're sleeping (on the street) to see if they're OK and give them food," Chin said.

He also responds to calls about stolen items, electrical blackouts, lost kids and locked cars. He often checks on elderly

### Donnie Chin has created a unique emergency service that tends to those in need.

residents who haven't been seen by neighbors for a few days.

Copass said some of his elderly patients take their prescriptions to Chin, who makes sure they take their medication regularly.

"He's the county drugstore.

## Helping out in the neighborhood

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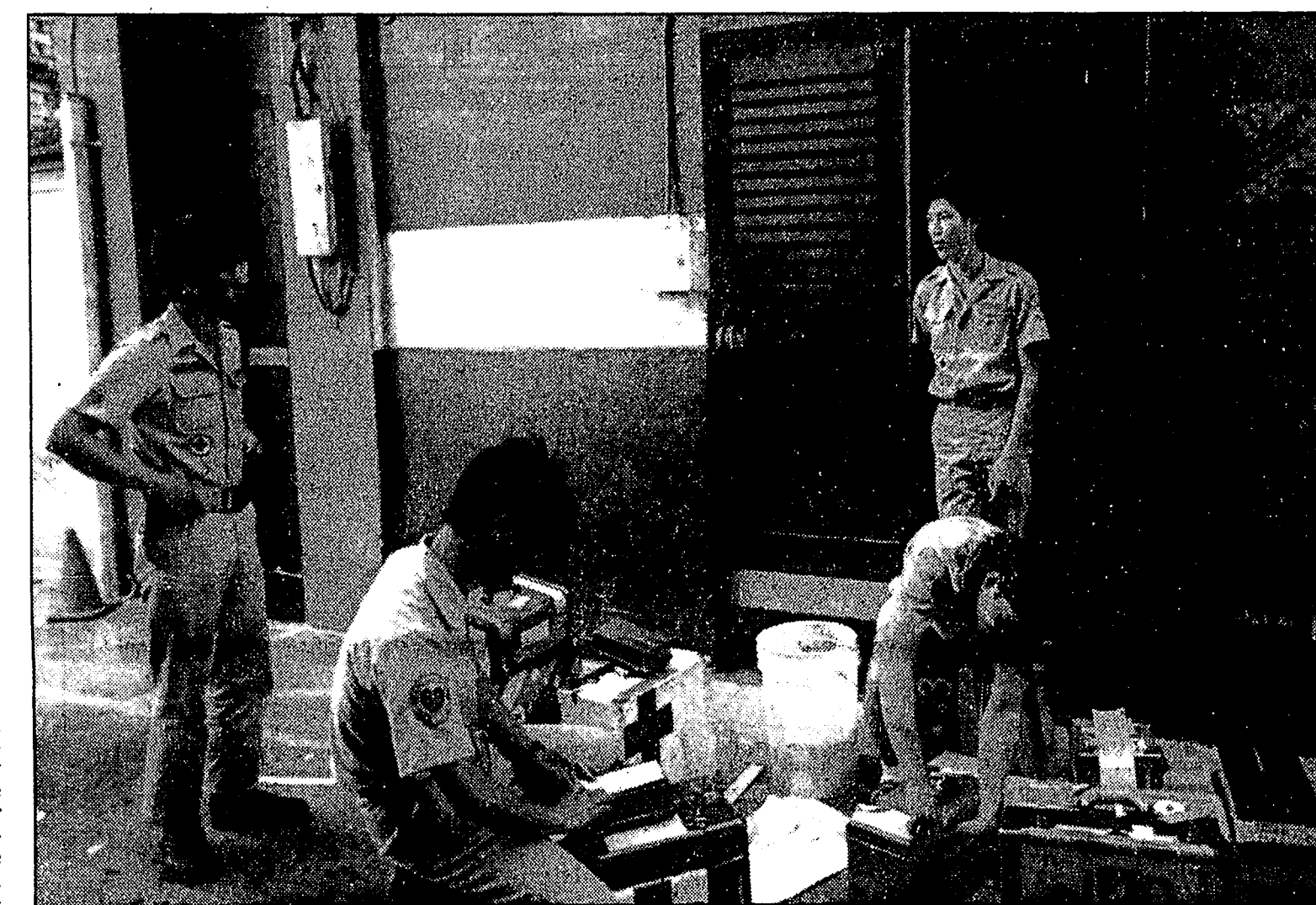
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Donnie Chin, left, and a group of volunteers from the International District Emergency Center organize supplies.



Donnie Chin has created a unique emergency service that tends to those in need.

sheriff, police and fire department all rolled into one," Copass said.

"In most emergency services, people who work there don't necessarily have to live there," Chin said. "We deal with people we've known for umpteen years."

Chin spends his nights waiting for calls — he lives in a loft above the center — or driving slowly down the darkened streets of the district. In the day, he does paperwork at his desk, where he can hear his police scanners.

The center, whose entrance is guarded by two security cameras, has a small communications room that crackles with static from scanners. Voices interject periodically with emergency reports around the city. A closet next to the entrance is stocked with uniforms and first-aid kits.

Bullet-resistant vests, hang from chairs around Chin's desk. Bowls of snacks for the center's youth volunteers line a counter.

When he first started medic work, Chin studied military medicine books and watched professional medics at work. After winging it for five years on the street, he

### Information

The International District Emergency Center can be reached at 623-3321.

### Information

Chin operates the center on a \$18,000 budget funded by the city and donations. The budget pays for the center's equipment, operating costs and Chin's less-than-minimum-wage salary.

Chin thinks that if the staffs of emergency services were multicultural and bilingual, the center would shut down.

"We hope we all lose our jobs," he said.

But Chin isn't looking for a career change.

"We never intended the center to be the way it is. It just evolved this way," he said. "It's the thing we know best — dealing with the streets."

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## DAILY BRIEFING

### SEATTLE BRIEFLY

Students need home away from home during their visit

CITYWIDE

Looking for a chance to brush up on your German or Italian? Know of hidden treasures or must-see places in Seattle?

Tomorrow in Seattle

Out to Lunch Concert — Deems Tsutakawa on jazz piano at noon tomorrow.

hosts to squire students around town for the day. While the students are supposed to be practicing their language skills, some speak better English than others.

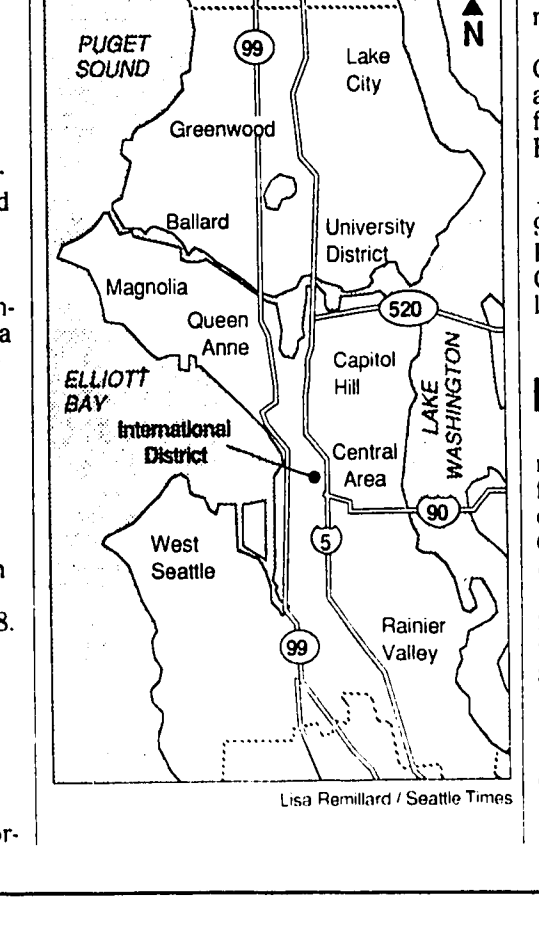
There is no charge for the hosts, said Pam Sonderland, UW home-stay coordinator. But because many scholars are on a \$5-per-day spending allotment, it is suggested that the day's events cost either little or nothing.

The UW is also looking for volunteer host families to match with Japanese students from Kyoritsu college. The women students, ages 18 to 22, will spend three weeks at the UW studying English and other subjects. A half-dozen volunteers are needed to host students for a weekend home stay Aug. 17 and 18.

For information, contact the UW Extension conference-management office, 543-0888.

Out to Lunch Concert — Deems Tsutakawa on jazz piano at noon tomorrow.

The UW is still looking for about 10



row, Westlake Center Plaza, Fourth Avenue and Pine Street.

Square Dancing — The Seattle Center will feature a Friday night of square and circle dancing with callers and callers from 7:30 to 9:30 p.m. in the Center House (684-7200).

Loyal Heights Community Center — Seattle Fair Family Night from 7 to 9 p.m. tomorrow, 2101 N.W. 77th St. Proceeds benefit the Loyal Heights Day Camp scholarship fund for youths and low-income family programs.

Volunteer Opportunities

The Evergreen Grief and Bereavement Program seeks volunteers to help families and friends of deceased loved ones. The program is a service of King County Public Hospital District No. 2 (823-7500 or 823-7472).

Boy Scouts of America seeks a fund-raising volunteer to organize and run a campaign to raise \$4,000 (725-5200).

Sacred Heart Shelter, a shelter for families, needs volunteers with experience in word processing to input and edit the policy-and-procedure manual. Four to six hours a week for two months (285-7537 or 285-7489).