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## Suit filed over Legionnaires outbreak

*Star-Gazette*

Several families affected by the deadly outbreak of Legionnaires disease last summer at Flannery Apartments in Elmira have filed a lawsuit against the Elmira Housing Authority, Elmira Water Board and city of Elmira.

Attorney Christina Sonsire of the Ziff law firm filed the complaint on Tuesday in state Supreme Court on behalf of Flannery residents Gail E. McKinley, Ann Schwab, Mary Jane Wittman and the estate of Anna Marie Tongate, one of two residents of the elderly housing complex who died following the outbreak.

The suit lists 34 instances of negligence against the housing authority and 30 instances of negligence each against the water board and city. The civil action also included accusations of wrongful death, breach of statutory duty, breach of contract and breach of warranty against the three defendants.

Two other families will join the action in the near future, Sonsire said on Wednesday.

Chemung County and state health officials identified Legionnaires disease as the reason several Flannery residents fell ill in August, and further tests determined the Legionella bacteria that causes the disease was present in the hot water system.

In all, 13 residents had confirmed cases of Legionnaires disease. In addition to Tongate, who died Aug. 14, resident Mary Kay Barnett died Sept. 10.

James Young, attorney for the housing authority, said the agency was not negligent and that it acted quickly and properly once the source of the illness was determined.

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