

# Health club and lift firm face £740,000 penalty after woman banker was crushed to death in an elevator shaft

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By [DAILY MAIL REPORTER](#)

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**Katarzyna Woja became trapped in the lift doors and was crushed to death when it dropped half a storey**

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A top health club chain and one of the world's leading lift installers were fined a total of £466,000 today after a young banker was crushed to death by a gym elevator in 'an accident that was waiting to happen'.

Too much had gone wrong for too long with the lift at Broadgate Health Club in the City of London before it dropped on March 12, 2003, killing Polish-born Katarzyna Woja, Southwark Crown Court in London was told.

Holmes Place and ThyssenKrupp Elevator UK were fined £233,000 each over health and safety breaches in relation to the 32-year-old's death.

Holmes Place was also ordered to pay £170,000 in costs, while ThyssenKrupp must pay £205,000.

The lift dropped the day before the tragic accident and had allegedly been repaired, the court was told.

But Ms Woja was the last person leaving the lift the following day when she became trapped in its doors and was crushed to death when it dropped.

Tim Owen QC, for the prosecution, said: 'This was an accident that didn't come out of the blue, without warning.'

The reason for the drop has never been established, but it is thought there was either a hydraulic problem or the lift's so-called brain - a programmable logic controller - froze or crashed, he said.

Neither Holmes Place nor ThyssenKrupp responded properly to 'clear warning signs' which made it 'glaringly obvious' that something was seriously wrong with the lift for months, Mr Owen said.

Between January 7 2002 and March 11 2003, there were 41 separate call-outs in relation to the lift which killed Ms Woja - compared with an average of three per year for a well-maintained lift, Mr Owen told the court.

There were also numerous occasions when the lift failed and gym staff simply reset it without calling ThyssenKrupp.

'It was, or should have been, obvious to everyone, including the defendants, that something was wrong with that lift,' Mr Owen said.

The cause of the lift's frequent problems should have been identified or the lift taken out of service, he said.

'If that had been done, then plainly Ms Woja would not have died,' he said.

'Inadequate maintenance of the lift meant that the accident which killed Ms Woja really was an accident waiting to happen.'



**Firemen attend the scene of the tragedy at Broadgate Health Club in 2003**

Judge Deborah Taylor said there was a 'culture of complacency' and 'systemic failures' on the parts of both defendants.

The danger posed to the public by the faulty lift was 'highly foreseeable', she said.

ThyssenKrupp took only basic action the day before the tragic accident, despite being told the lift had gone into 'freefall', the judge added.

'If the lift had been taken out of service at that time, the fatality would not have occurred,' she said.

'Both Holmes Place and ThyssenKrupp fell far below the standards applicable to each of them.

'The failings were long-standing systemic failures.

'There was a culture of complacency on the parts of both defendants with regard to malfunction of this lift.'

The judge found that the degree of culpability was the same for both defendants.

She also ordered Holmes Place to pay £170,000 in costs, while ThyssenKrupp was ordered to pay £205,000.

Both firms asked for 28 days to pay.

# ThyssenKrupp



**The lift company was ordered to pay a £233,000 fine and £205,000 costs**

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In a victim impact statement read to the court, Ms Woja's widower Nebojsa Dorontic, 39, said she was a 'very intelligent and charming young lady'.

On being told his wife was dead, Mr Dorontic said: 'I felt numb. I could not believe what had happened. I guess that I was looking for a glimmer of hope.'

'I did not want to accept what I had been told but, after a few minutes, the news sunk in. I was distraught.'

He went on: 'I not only lost Katarzyna, I also lost a life partner, a wife and a true friend.'

'Katarzyna's tragic death at the young age of only 32 prevented us from starting our family.'

Serbian-born Mr Dorontic, who runs a recruitment company and lives in south west London, said his wife was working for global management group Invesco and had been a 'high flyer' at the time of her death.

He is pursuing a civil claim as Ms Woja was earning a six-figure salary and had many years of high earning ahead of her.

Both firms made public apologies to Ms Woja's family for the first time in court today.

William Norris QC, in mitigation for Holmes Place, which is now owned by Virgin Active, said the gym firm accepted a 'legal and moral responsibility for what happened'.

Holmes Place did not realise ThyssenKrupp 'couldn't be relied upon to do their job properly', he said.

'Too much had gone wrong for too long.'

'Once it was known to drop, it should have been glaringly obvious that there was something seriously wrong.'

He also admitted that it appeared one maintenance diary had gone missing.

Nicholas Purnell QC, in mitigation for ThyssenKrupp, blamed a 'breakdown of communication and records which led to a confused state', rather than an 'object failure' on the company's part.

Holmes Place admitted three counts of breaching health and safety laws while ThyssenKrupp pleaded guilty to a single count.

Outside court, Ms Woja's father Marek, who came over from Poland for today's hearing, said he was angry at the outcome.

'We feel the penalties imposed on Holmes Place and ThyssenKrupp are a drop in the ocean to firms that size,' he said in a statement issued through an interpreter.

'Although no penalty will ever bring my daughter Kasia back, we hoped as a family that the court would impose a fine that is fair and one which would act as a warning to others.

'In being so lenient, we question if the court is sending out a message to other similar companies that sub-standard maintenance and blatant disregard of health and safety legislation is permissible.'

Keith Barrett, a solicitor who represents the Woja family, said: 'Today's sentence concludes only one part of this tragic case which has been ongoing now for over seven years.

'The family can now focus on establishing civil liability upon both companies. Unfortunately neither company has accepted liability in the civil claim to date.'