



Centered in Care
Powered by Pride

1500 South Main Street
Fort Worth, Texas 76104

phone 817-702-3431

JPShealthnet.org

January 29, 2019

Via Certified Mail and E-Mail

Via Email: pete.engwer@thyssenkrupp.com

Pete Engwer, Regional President
ThyssenKrupp Elevator Corporation
15141 E. Whittier Blvd.
Whittier, California 90603

Re: Elevator Incident on January 20, 2019 at John Peter Smith Hospital which is a part of Tarrant County Hospital District d/b/a JPS Health Network (“JPS”)

Dear Mr. Pete Engwer:

My name is Robert Earley and I am the Chief Executive Officer of JPS. I am writing to you about the 6,700 people I have the privilege to work with every day. Brothers, sisters, mothers, sons—my coworkers, my JPS family. JPS serves the healthcare needs of Tarrant County, and every team member is committed to making lives better in the community where they live, work and raise their families.

Right now, my JPS family is hurting. One of our own was seriously injured in an elevator at the main hospital. An elevator that carries patients to the caregivers who will make them well. An elevator that carries medicine and equipment needed to save lives. The ripple effect of this tragedy – the numerous elevators taken out of service as assessments and reviews continue -- has impacted our ability to care for our community.

Every aspect of our care – from our workforce to our technology to the elevators – has to be reliable and safe for the more than 1.2 million patient encounters we deliver every year to people who need us. We have three rules at JPS. Every member of our work family can recite them in their sleep: Own it. Seek joy. Don’t be a jerk. These rules are the reason why JPS is considered one of the best places in this nation to work in healthcare. “Own it” means we take care of our work environment the same way we would care for our homes. And we expect every contractor and vendor who is invited inside our house to be as committed to those rules as we are.

ThyssenKrupp Elevator Corporation (“ThyssenKrupp”) has an obligation under our current Service and Maintenance Agreement (“Agreement”) to provide service and maintenance on all JPS elevators, including the elevator that hurt our team member. Part of your obligations under the Agreement is to provide monthly maintenance and inspections, which includes riding each elevator and



checking and inspecting its operation, safety edges, sensing devices, floor stops and leveling, and brake operations. ThyssenKrupp is also required to periodically examine all safety devices and adjust, repair, or replace them as necessary. ThyssenKrupp is further required to provide records of its maintenance and service obligations.

Sadly, it appears your company is not “owning it” and may have failed to live up to its service and maintenance obligations here at JPS. Even more concerning is your company’s seeming indifference following our team member’s injury last Sunday. In the past week, we had more unexpected elevator outages, just days after your service personnel were onsite checking every elevator. On Friday, January 25, 2019, seven elevators were out of service because of operational concerns. During this critical time, only one of your technicians was available to perform repairs. Only after we demanded more technicians, did more technicians arrive. This is unacceptable and jeopardizes the safety of our patients and team members. As the medical home for thousands of patients, the sole Level 1 Trauma Center and the only psychiatric emergency room in Tarrant County, JPS deserves better. Our patients and team members deserve better.

As a result of JPS’s dissatisfaction with elevator operations and your inadequate response in the current instance, we are retaining subject matter experts with the resources to provide oversight and quality control over ongoing assessments and maintenance. JPS expects your full cooperation and transparency with this additional level of oversight.

Because of these concerns, JPS will: (1) request, if necessary, that ThyssenKrupp provide a defense to JPS in connection with any litigation involving our injured team member and (2) seek indemnity for any damages incurred by JPS as a result of the January 20, 2019 incident. This includes, but is not limited to, cost and expenses incurred for the medical care of our injured team member, workers compensation, property damage, repair to the elevator at issue, any additional compensation paid by JPS to our injured team member, and any other costs or expenses incurred by JPS as a result of the Elevator Incident.

Additionally, our General Counsel has sent to ThyssenKrupp’s counsel, Alan J. Rucker, a Notice of Incident and Document Preservation letter and a second letter demanding documents that contractually belong to JPS be produced by 5:00 p.m. Friday, January 25, 2019. You failed to meet this deadline. JPS expects ThyssenKrupp to comply with the preservation request and provide our General Counsel with the requested documentation.

It is my sincere hope and expectation that ThyssenKrupp will do right by my JPS family and by JPS’s patients and provide service and maintenance in a timely manner and of the highest quality as is required under the Agreement.



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Sincerely,

Robert Earley, president and CEO
JPS Health Network

cc: David Johnston, Branch Manager
Luke Harrison, Branch Manager
Mr. Alan L. Rucker

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Via Email: luke.harrison@thyssenkrupp.com
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