

Lawsuit Against Amazon Filed On Behalf Of Delivery Driver Austin McEwen's Family After His Death In Tornado

by Dan Brannan, Content Director
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EDWARDSVILLE - Clifford Law Offices announced on Monday, January 17, 2022, they had filed a lawsuit on behalf of the family of a 26-year-old delivery driver - Austin McEwen, who was killed after he was working at an Amazon distribution center in Edwardsville, Illinois when a tornado struck the facility on December 10, 2021.

The Clifford Law Firm said McEwen, an independent contractor of Amazon, driving for an Amazon Delivery Service Partner, was one of the numerous individuals required to work during an Amazon “peak season” when Amazon management knew that conditions were highly unsafe as tornado warnings had been issued. The firm pointed out tornado warnings had been issued for southwestern Illinois as early as December 9, 2021, and were re-issued on several occasions with growing concern and intensity over the next 24 hours.

"Initial investigation reveals that workers at the facility, including McEwen, were required to continue working instead of being told to evacuate when it was known of the possibility of a major tornado," said Jack J. Casciato, partner at Clifford Law Offices who represents the family of the young 26-year-old driver, said in a statement. "In addition, initial investigation reveals that the Amazon facility had no basement shelter despite this area of Illinois is prone to tornadoes, and no safety plan or adequate emergency plan required by the Occupational Safety and Health Administration (OSHA). Further, reports indicate that Amazon directed McEwen and five others that were killed to shelter in a bathroom when Amazon knew or should have known that this location would not protect them. It is believed this is the first lawsuit filed against Amazon for this tragically avoidable incident."

The Clifford firm's Casciato continued and said: "Initial reports from those that survived this avoidable tragedy are disturbing. We certainly intend to discover what precautions Amazon could have taken to save lives. Certainly, this entire facility could have been evacuated when it was believed a tornado was en route. It appears that holiday profits took precedence over safety. We need to find out if training and emergency protocols were in place for those in the building as well as those who entered the building with jobs regularly connected to Amazon outside of the facility."

Early investigative reports have indicated that Amazon management knew or should have known of this tornado more than 24 hours before it destroyed the facility. The Clifford Law Firm complaint alleges that Amazon failed to adhere to OSHA preparedness plans for inclement weather, could have evacuated workers but chose to have workers continue working during a peak holiday season, and failed to have a facility that contained a basement shelter. OSHA has opened an investigation into workplace safety at the fulfillment center following this tragic event.

In addition, members of Congress have sent a letter to Amazon and its CEO Jeff Bezos seeking answers. The E-3 tornado is reported to have hit the distribution center in downstate Illinois Edwardsville at 8:28 p.m. on December 10, 2021, with winds reaching speeds of 150 mph. The roof of the massive facility collapsed, leveling the building.

The complaint will be e-filed in Madison County State Court located in downstate Edwardsville, Illinois.

McEwen's mother, Alice McEwen, will be making a statement and Casciato will also make more statements to the press today.