



Tony Duncan

Death lawsuit urged

BY JOHN MARZULLI
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A LAWYER FOR THE family of a worker killed when a wall collapsed on a Brooklyn construction site this month will ask prosecutors to pursue criminal charges against the contractor.

"This is manslaughter due to the degree of recklessness," said lawyer Joseph Tacopina.

Tacopina was referring to the March 8 death of Tony Duncan, 47, who was buried under a pile of cinder blocks in Flat-

bush when the wall supporting a detached garage gave way, authorities said.

Firefighters raced to 733 Ocean Parkway, near Foster Ave., to pull Duncan from the 10-foot-deep hole, but it was too late to save the father of two.

Duncan was helping shore up the foundation of a garage on a job being run by an excavation company called XK Vate.

A spokeswoman for the company declined to comment on

the incident.

"They didn't even apply for a permit, they never intended to follow the city code or regulations," Tacopina said.

The victim's brother Elijah Duncan said he used to work for the same company but left because the safety practices were lax.

"All these people [XK Vate] care about is the money and rushing the job to save a dollar," Duncan said. "They might say they're sorry, but they're not."

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