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## Suit Will Say Locked Exits Put Three Janitors in Danger

By STEVEN GREENHOUSE

Three immigrant janitors will file a lawsuit today against two supermarkets in the Bronx, accusing them of endangering their lives by locking them in at night, with the fire exits blocked or padlocked.

The janitors, who worked the late night shift scrubbing and waxing floors, accuse two C-Town supermarkets of false imprisonment and negligence.

The janitors' lawyers said they were filing the lawsuit partly out of frustration that government regulators had not done more to crack down on stores in New York that lock in their late-night janitors.

"We're bringing this lawsuit because it's outrageous that this practice is going on," said Amy Carroll, a lawyer with MFY Legal Services, a nonprofit law office serving low-income New Yorkers. "We should have learned our lesson with the Triangle Shirtwaist factory fire that locking in workers is unconscionable. This lawsuit seeks to hold these stores accountable and to change a practice endemic in the industry."

The lawyers plan to file the lawsuit in State Supreme Court in the Bronx today, the 94th anniversary of the Triangle fire, in which 146 garment workers died when locked and blocked factory doors prevented them from escaping a fire.

C-Town managers asserted that the janitors had access to exits. "These workers are never locked in — they have phones, they have keys," said Donny Lopez, manager of one of the C-Towns being sued, at 3220 Third Avenue. "We bring the gates down at night. They're electric and they can be raised in an emergency."

But Luis Alberto, an immigrant from Mexico who worked at the store for seven months last year, said that

whenever he cleaned the floors, he was locked in from 8 p.m. to 7:30 a.m., when a manager arrived.

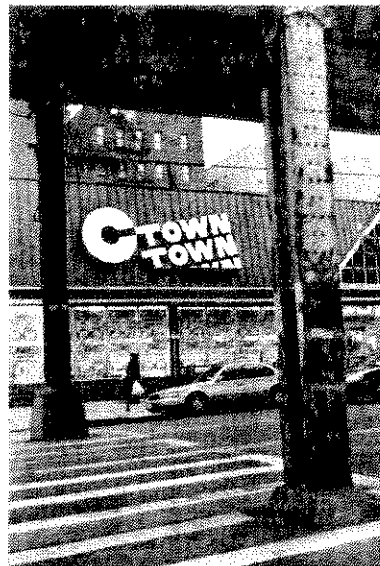
In the lawsuit, he asserts that all doors, including the emergency exit, were locked or blocked and that the store disconnected the phone at night, making it impossible to call someone in an emergency. He said that he complained to a manager that he was terrified about being unable to escape one night when a burglar sought to pry open the metal gates.

The Fifth Avenue Committee, an immigrant-advocacy group in Brooklyn, has organized demonstrations against lock-ins over the past year to highlight the issue and to get the Fire Department and Occupational Safety and Health Administration to do more to stop the practice. The committee has compiled a list of more than 30 supermarkets where late-night janitors say they are locked in.

"We've been aware of this situation for a year and a half, and we have yet to see any targeted enforcement that puts an end to it," said Artemio Guerra, the committee's organizing director. "We're trying to create a crisis of awareness that's going to get the bad guys to clean up their act."

Another plaintiff, Antonio, who cleaned floors at the second C-Town being sued, at 1434 Jerome Avenue, said he frequently grew alarmed that he would die if there were a fire in the store.

"Everything was locked up — there was no way to get out," said Antonio, a 27-year-old from Morelos, Mexico, who refused to give his last name because he feared being fired for speaking out. "No one ever told me, 'Here's a key to use to get out.' One of my biggest fears was if some-



Phil Mansfield for The New York Times

A C-Town on Jerome Avenue is one of two to be cited in a lawsuit.

thing happens to me, what will happen to my daughter back in Mexico? Who will take care of her?" Antonio, who is separated from his wife, said he sends money to his 7-year-old daughter each month.

Leslie Castillo, the store manager, declined to respond to questions and said the store's owner was unavailable.

Officials with Alpha 1 Marketing, which handles marketing for the C-Town chain, did not return two phone messages. In the past, Alpha 1 officials have noted that C-Town stores are independently owned. They said the company does not condone lock-ins and has discussed this problem with store owners.

The lawsuit is seeking financial damages and an injunction barring the stores from locking their emergency exits. "The beauty of this lawsuit is it's a vehicle where the workers can say I'm entitled to a safe work environment," Ms. Carroll said. "The goal isn't just to benefit the plaintiffs, but to protect anyone who holds these jobs in the future."