

\$1,000,000

Apartment Fire
PREMISES LIABILITY

FACTS: Plaintiff, a 27 year old dressmaker, and her two children, ages 4 years and 6 weeks, were living in an apartment which they rented from defendant. Plaintiff heated a bottle of milk for her baby in a pot on the stove. Plaintiff forgot the stove on. Plaintiff and her children fell asleep in the bedroom which was adjacent to the kitchen. The pot overheated and started a fire in the kitchen. Plaintiff and her children were rescued by the fire department. All three suffered smoke inhalation injuries.

CONTENTIONS: Plaintiffs contended that the smoke detector in the subject apartment failed to sound at the time of the fire. Plaintiffs contended that the smoke was sufficient enough that if the smoke detector had been operating properly, it would have sounded and alerted Plaintiff and her children before they sustained smoke inhalation injuries. Plaintiffs further contended that the only reason the smoke detector would not have sounded is if it was improperly installed by defendant or if it was not properly checked by defendant at periodic intervals. Defendant contended that its employees checked the smoke detector regularly and it worked fine, that it had sounded several days before the subject fire, and that if it did not sound at the time of the fire it was because Plaintiff had disconnected it because the smoke detector kept going off while she was cooking.

INJURIES: Smoke inhalation injuries to three Plaintiffs.

RIVERA v. LORENZO FAMILY TRUST, et al.

CASE NUMBER: BC 232517

LOS ANGELES SUPERIOR COURT