

Students injured in escape from quick-spreading house fire

\$760,000 settlement

Two college students sustained multiple injuries in fleeing a fire that broke out at a single-family home in Boston being rented by one of the plaintiffs and six other local college students.

The fire spread quickly, entrapping several of the students on the second and third floors. One student, a plaintiff in the suit, jumped from the third-floor window to escape, sustaining a brain injury when he landed on the concrete driveway. A second plaintiff, who was a guest of the residents, jumped from the second floor. She broke her back and injured her ankle, in addition to sustaining burn and smoke inhalation injuries.

The plaintiffs brought claims against the owner of the home, as well as the prior landlord who owned it when it was first rented to the students months earlier. They also sued the realty company involved in the rental.

The plaintiffs claimed that the home had been rented illegally, in violation of the Boston zoning code and other state codes and regulations. Specifically, the plaintiffs claimed that the single-family home was illegally rented to the students, as the zoning code limits the rental of the premises to four students or less.



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The plaintiffs asserted that that the previous owner and the rental company knew or should have known of the zoning violation and, in a conspiratorial manner, disregarded it in favor of renting to as many students and for as much rent as possible. Had the home not been rented as it was, the plaintiffs argued, they never would have been exposed to the fire. Alternatively, the plaintiffs argued, had the owners of the home complied with city and state regulations, it would have had applicable fire detection and suppression systems and safer means of egress in the case of a fire. Had those been in place, the plaintiffs argued, they would have been able to safely exit the home during the fire.

The defendant landlords and realty company argued that the regulations were off point,

since the home was not a lodging house under the Massachusetts lodging house statute, as held in *City of Worcester v. College Hill*. The plaintiffs countered that regardless of that decision, the Boston zoning code still applied.

The parties agreed to mediate the claim, resulting in a settlement of \$500,000 for one plaintiff and \$260,000 for the other. The settlement included the full amount of the homeowner's insurance policy.

Action: Negligence & tort

Injuries alleged: TBI, fractures, burns, psychological damage, other injuries

Name of case: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (mediated)

Mediator: Brian Mone of Commonwealth Mediation

Amount: \$760,000

Date: March 17, 2014

Attorneys: Jeffrey N. Catalano and Eric I. Asquith, of Todd & Weld, Boston; David W. White of White, Breakstone, White & Gluck, Boston (for the plaintiffs)



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