

The Legal Intelligencer

Article reprinted with permission.
Select '**Print**' in your browser menu to print this document.

©2004 *The Legal Intelligencer Online*
Page printed from: <http://www.thelegalintelligencer.com>

[Back to Article](#)

Survivors Agree On \$3.75 Mil. Settlement In Fatal Fire Lawsuit

Asher Hawkins
The Legal Intelligencer
09-29-2004

The surviving members of a family that lost a mother and three sisters to an October 1998 fire at their Levittown home have reached a \$3.75 million settlement with the manufacturer of the couch that was allegedly the first piece of furniture to catch fire in the blaze.

In *Hughes v. Federal Pacific Electric Co.*, Federal Pacific, the maker of the baseboard heater whose allegedly defective design was said to have ignited the fire, also settled - for an undisclosed amount - with father William Hughes, son Jason Hughes and the estates of the dead family members, attorneys involved in the case said.

The plaintiffs had claimed that Federal Pacific's baseboard heater lacked certain features that would decrease the likelihood of short-circuiting and that the company had not adhered to adequate inspection protocols prior to its heaters' distribution, according to court papers.

Plaintiffs attorney Mark LeWinter of Anapol Schwartz Weiss Cohan Feldman & Smalley said that his clients also asserted that Washington Furniture Manufacturing Co. Inc. had failed to sufficiently fireproof their polyurethane sofas.

On the early morning of Oct. 16, 1998, William Hughes was asleep on the downstairs sofa when he awoke to find the sofa on fire, said LeWinter, who worked on the case with partner Joel Feldman and associate James Keating.

Both Jason Hughes and family friend Jason Schrader, who was staying with the family that night, rushed downstairs and attempted to beat the fire out, but were not able to do so, LeWinter said.

Within several minutes, the flames had begun to consume the entire house, LeWinter said, and the three Hughes sisters found themselves trapped upstairs. Schrader was trying to lead the sisters out of an upstairs window, but an explosion forced him to leap out of the window before he could help them to safety.

After firefighters had put out the blaze and entered the home, they discovered mother Karen Hughes, aged 41, lying dead on the kitchen floor, according to LeWinter. Upstairs, they found the bodies of sisters Kimberly, 10, Stephanie, 11, and Caroline, 21, who was physically and mentally challenged.

William and Jason Hughes filed suit against Washington, Federal Pacific and a number of distributors and retailers associated with the two companies.

LeWinter said that Federal Pacific and Washington, the main defendants in the case, had agreed to begin mediation through ADR Options Inc. on Sept. 7 with Louis Fryman of Fox Rothschild. But Sept. 2, the plaintiffs and Washington negotiated a joint tortfeasor settlement of \$3.75 million. The two parties had not exchanged formal offers or demands prior to settlement, according to LeWinter.

The mediation between the plaintiffs and Federal Pacific was not productive, LeWinter said. On Sept. 17, Federal Pacific settled for a confidential amount, concluding the litigation. LeWinter said that prior to mediation, his clients' demand of \$10 million had not been met with an offer from Federal Pacific.

Federal Pacific's attorney, Don Chierici Jr. of Chierici & Chierici in Moorestown, N.J., did not immediately respond to a call seeking comment.

Thomas Goutman of White & Williams, who represented Washington, called the settlement a "good outcome" for his client.

"I think that from our perspective, it was an excellent settlement given the circumstances of the horrific deaths of three children and a mother in the fire," Goutman said.

LeWinter noted that while Goutman had lined up eight expert witnesses to testify on Washington's behalf, the two parties had early on expressed a willingness to settle the case.

"Tom Goutman had a realistic approach to the case, but could have mounted a very strong causation defense," LeWinter said.

Both the plaintiffs and the defense in *Hughes* had commissioned experts to perform trial ignitions of sofas identical to the model present in the Hughes family living room. According to LeWinter, the plaintiffs' video indicated that the sofa, when lit, would burn as hot as the survivors of the fire had described.

The defense's video, in which both a regular polyurethane couch and a polyurethane couch outfitted with flame-retardant foam were set on fire, supported the defense's position that both types of sofa burned in similar patterns when lit from the rear, LeWinter said.

The main plaintiffs' expert was to have been flammability expert Gordon Damant of Inter-City Testing & Consulting in Sacramento, Calif.

LeWinter said that he believes his "settlement brochure" also played a role in bringing about a successful result for his clients. The "brochure" was actually a video that showed interviews with potential experts and family members and news footage of the fire and its aftermath.

Several states have laws that require flammability standards for polyurethane furniture found in public places, LeWinter said, but only California enforces a flammability standard for polyurethane furniture intended for residential use.