

# Fire Litigation



## REPRESENTATIVE EXPERIENCE

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At Ulmer & Berne, we understand fire, fire causation and the fire litigation that often results. We are experienced at addressing issues related to fire scene investigation methodologies, issues of spoliation and *Daubert* challenges to experts. For decades, we have handled thousands of fire losses, including those involving product failure, construction defect and negligence, as well as arson and intentional acts. These range from minor to massive industrial, manufacturing, commercial and residential property losses and business income losses, as well as personal injury and death. The following is a representative sampling of our experience:

### **Aircraft Fires**

Defended death and personal injury claims arising from a fire on board an Air Canada airliner en route to Canada from Texas and downed in Northern Kentucky. Defended manufacturer of interior furnishings on airliner, including poly-vinyl wall covering and polyurethane foam cushions from allegations of smoke contribution and flame spread. Case settled with and among groups of co-defendants in tiered settlement programs.

### **Apartment Building Fires**

Currently representing owner, manager and building in several consolidated suits brought by tenants and subrogated insurance carriers arising from a fire that destroyed most of a three story apartment building.

### **Arson Fires**

Represented major consumer products company in a \$12 million fire loss claim by corporate entity and its carriers. Case involved a fire, suspected to be the result of arson, in the corporate entity's warehouse that was five acres in size. Successfully settled at roughly 20 percent of alleged damage.

### **Bookbindery Fires**

Defended subrogation claims arising from property and equipment damage resulting from a fire in a bookbindery in Indianapolis. Allegations of flame spread, smoke contribution and equipment pitting damage from HCl acid caused from burning poly-vinyl chloride bookbinding materials and book covers were made against our client. Case settled favorably following trial.

### **Electrical Fires**

Represented subrogated insurance carrier in action against electrical contractor and the manufacturer of a transient voltage surge suppressor where their actions caused approximately one million dollars in fire damage to a new credit union. Case was favorably resolved.



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Represented major utility company against claims of five deaths in a fire allegedly caused by a defective electric switch box in the basement of an office building in Chicago. Case resolved favorably.

Defended asbestos abatement company allegedly responsible for hospital fire. Claim alleged that a contractor at the facility had used a damaged power cord which ignited debris.

Defended against subrogation claim brought by two carriers for a house fire. We defended the electrician who allegedly installed wiring negligently. One carrier voluntarily dismissed the case and the other settled for less than one-tenth of the property loss.

Currently defending owner and management company of apartment complex accused by group of tenants of gross negligence in alleged million dollar plus electrical fire.

### **Factory Fires**

Represented subrogated insurance carriers in million dollar plus fire that arose on the premises of a company that was in the process of briquetting titanium swarf. Case was favorably resolved.

Obtained \$540,000 verdict for subrogated insurer against remanufacturer of a hydraulic shear where defective shear released hydraulic fluid causing a severe fire.

### **Fireworks Fires**

Represented main defendant in the Southwestern Ohio fireworks case. The fire caused the deaths of nine individuals. Defendant allegedly turned off water sprinkler supply prior to the fire starting.

### **High-Rise Building Fires**

Represented major utility company in a multi-million dollar property damage claim regarding an alleged failure of electrical equipment in a high rise building in downtown Cincinnati. Case resolved favorably.

### **Hotel Fires**

Defended death and personal injury claims from the multi-district litigation proceedings arising from the MGM Grand Hotel fire disaster. Defended manufacturer of poly-vinyl chloride naugahyde, wall covering and polyurethane foam cushions involved in massive conflagration that killed more than 80 people, where claims against our client



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focused on flame spread and smoke contribution. Case settled, with major groupings of defendants and case participants.

Defended death and personal injury claims arising from the Las Vegas Hilton Hotel fire. We defended manufacturer of poly-vinyl chloride wall covering. Claims against our client were focused on flame spread and smoke contribution. Case settled, with major groupings of defendants and case participants.

### **House Fires**

Represented major utility company in a case claiming a defective toaster oven shorted and caused the death of a trailer park owner. The case was settled.

Defended insured landlord against claim for two deaths and several injuries allegedly due to house fire. The fire was set by children playing with matches, and the landlord was accused of failing to install working smoke detectors.

Defended subrogation claims arising from property damage to a house involved in a fire allegedly resulting from a defective coffee maker. Case settled following a successful trial where co-defendant bore the brunt of liability in the jury's verdict.

Currently representing national manufacturer of commercial and residential fluid control equipment including pumps, seals and valves. Defending subrogation action brought by insurer for half million dollar property damage loss resulting from residential fire allegedly caused by defective sump pump.

Defended against a subrogation claim brought against a manufacturer of an energy management device which allegedly caused a house fire. The device was a radio controlled monitor, installed in the plaintiff's home, able to alert the power company to reduce the energy usage of the home for the water heater at certain peak periods. Defense was based on the deficiencies of plaintiffs' expert and the inability to establish the identity of the product or any defect in it causing the fire. The case was voluntarily dismissed while a motion for summary judgment was pending.

### **Natural Gas Explosions**

Obtained million dollar plus settlement for subrogated insurance carrier arising from a fire and explosion related to the release of natural gas from a bus refueling facility.



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### **Personal Injury Fires**

Represented severely burned woman and her family. Received settlement in the tens of millions of dollars.

### **Plant Explosions**

Defended against subrogation claim brought against fabricator of industrial asphalt plant which suffered an explosion. The system, constructed and erected by our client, allegedly failed to shut down when the amount of asphalt in the tank went below a certain amount. Plaintiff was deficient with the discovery to clarify the nature of the claim. Co-defendants were numerous designers and fabricators of the plant. Case was voluntarily dismissed.

### **Recycling Facility Fires**

Represented subrogated insurance carrier in multi-million dollar recycling facility fire that arose from the improper handling of magnesium scrap. Case was favorably resolved.

### **Refinery Explosions**

Defended oil refinery process designer in oil refinery explosion that killed 20 and caused hundreds of millions of dollars in property damage in Joliet Ill. Alleged cause was a metal vessel that broke in the middle, spilling petroleum that ignited. Matter was resolved favorably.

### **Shopping Center Fires**

Defended against subrogation claim brought by various insurers and store owners for a fire at a shopping center allegedly caused by a defective neon sign. We defended the sign installer. It was settled in conjunction with the manufacturer and an electrician who may have worked on the premises.

### **Warehouse Explosions**

Successfully defended national business solutions supplier in a \$40 million dollar property damage and loss of business lawsuit arising out of an explosion at a data warehouse in Salt Lake City.



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