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Contact: Marikay Martin: 847.732.6996

Settlement Reached in Tragic Fire That Claimed the Lives of Six Chicago Children

Chicago---A \$6 million settlement was approved by Judge Elizabeth Budzinski today, Tuesday, November 13, 2007, in the Circuit Court of Cook County for the deaths of six children who were killed and for the injuries of two other children suffered on September 3, 2006 in a Rogers Park fire. Judge Budzinski approved the settlement on behalf of Augusta & Amado Ramirez for the deaths of their children, Kevin, Idaly, Sucette, Erik and Vanessa Ramirez and for the burn injuries suffered by their children, William and Natali Ramirez. A settlement has also been reached on behalf of the Ramos family for the death of their daughter, Scarlet Ramos.

On September 3, 2006, a fire broke out at 7706 North Marshfield in Rogers Park claiming the lives of six innocent children and severely injuring two others. Five of the Ramirez children and the Ramos' only daughter perished in this fire.

Attorneys John J. Perconti and Patricia L Gifford of the Chicago law firm, Levin & Perconti, filed a lawsuit on September 21, 2006 on behalf of the Ramirez and Ramos families against Marshway Limited Partnership, Marshway, L.L.C. and CIG Management L.L.C.

After a thorough and complete investigation of the facts and circumstances of the fire and after verifying all available insurance coverage and assets of the Defendants, a settlement of \$6 million was reached with Defendants Marshway Limited Partnership, Marshway, L.L.C., and CIG Management, L.L.C.

Attorney John Perconti commented on the unfortunate conditions in which the Ramirez family lived after paying rent for years at their landlord's property:

“The Ramirez family was living without electricity and in conditions that most of us would not want our families to endure. The family had been using candles and battery-operated lights to provide light in their home because their electricity had been turned off due to mounting electric bills from Commonwealth Edison. The office of the Fire Investigator determined the cause and origin of the fire to be an open flame source in the Ramirez apartment near the front door.”

The investigation conducted by experts retained by each side confirmed the findings of the Chicago Fire Department that there were no smoke detectors in the Ramirez apartment. A 3rd floor hallway hard-wired detector was found. However, this smoke detector, as well as several others throughout the subject building and two adjacent buildings owned and operated by the Defendants, had been recalled by the manufacturer in 1992 as defective due to the potential for horn failure. Unfortunately, the Defendants had no formal or informal inspection system for the replacement and maintenance of these recalled detectors. In fact, the smoke detector on the 3rd floor common area was found to be over 10 years old and should have been replaced long before this fire. Interviews with all available witnesses established that no smoke detector sounded in the vicinity of the 3rd floor, including the 3rd floor hallway detector.

John Perconti explained Chicago Municipal Code requirements: “Section 13-64-120 of the Chicago Municipal Code required the Defendants to equip the apartment with one approved smoke detector within 15 feet of all rooms used for sleeping and to equip the building with at least one approved smoke detector at the uppermost ceiling of the

interior stairwell. Our fire experts concluded there should have been at least two working smoke detectors within the Ramirez apartment and one working detector in the hallway. We believe that if there had been working smoke detectors, the family would have been able to timely escape the building without serious injury or death. As to the role of Commonwealth Edison, it appears that ComEd may have been within their rights to disconnect the Ramirez' electricity. Whether their decision was morally correct is not an issue in this lawsuit. However, this tragedy was the impetus for the unveiling of Mayor Daley's \$1.5 million grant plan to provide money to families whose electricity is disconnected by Commonwealth Edison and who are ineligible for low income assistance. We applaud the Mayor's plan as it will provide safe premises for all Illinois tenants and prevent similar tragedies," said Perconti.

The terms of the settlement are as follows:

A structured settlement with a present cash value \$6 million: \$5 million to the Ramirez family for the deaths of five of their children and the injuries suffered by William and Natalie Ramirez and \$1 million to the Ramos family for the death of their daughter, Scarlett. The structured settlement will make periodic payments to the family members for the rest of their lives.

Perconti commented about the impact the settlement will have on the Ramirez and Ramos families: "This settlement will never compensate these families for the heartbreaking deaths of Scarlet Ramos and Kevin, Idaly, Sucette, Erik and Vanessa Ramirez and for the injuries suffered by William and Natali Ramirez. However, providing monetary compensation is the only remedy available through our civil justice system. The money will help the families provide for college education and for any

future medical expenses.”

For Additional information, please contact:

Marikay Martin
Martin Woods Image Consulting, LLC
Tel: 847.732.6996
Fax: 847.670.4070
Email: mk@martinwoods.us