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Families sue landlord in fire that killed 6 kids

Owner's, manager's negligence is cited

By Oscar Avila
Tribune staff reporter
Published September 22, 2006

Two families that lost six children in a Rogers Park apartment fire this month sued the building's owner and management company Thursday, alleging that their negligence contributed to the children's deaths.

In their lawsuit, the Ramirez and Ramos families allege that Marshway Limited Partnership, CIG Management and building owner Jay Johnson failed to maintain the building in a "reasonable, safe condition."

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The families are seeking at least \$50,000 in damages for the children's deaths. They also are seeking damages for injuries, disabilities and trauma suffered by two children who survived the fire. The families also cite ongoing medical and funeral expenses.

"No one who played a part in this tragedy will go without scrutiny," attorney Steven Levin said at a news conference in front of the Rogers Park

apartment building in the 7700 block of North Marshfield Avenue, where plywood covers burned-out windows and stuffed animals remain along the sidewalk as a shrine to the children.

A spokesman for Johnson, the general partner for Marshway Limited Partnership, said he could not comment because company officials had not seen the lawsuit.

But the building owner affirmed his commitment to working with the city to determine why the fire occurred and to prevent similar tragedies.

Johnson reported two weeks ago that a 2005 inspection found smoke



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detectors in the Ramirezes' third-floor apartment. A follow-up probe after the fire found working smoke detectors in every other unit.

Chicago fire officials have said that they found no smoke detectors in the unit, and Levin said it was the landlords' responsibility to make sure the devices were in place. But the attorney would not comment when asked if the landlord knew that the family had no smoke detectors.

Officials with CIG Management could not be reached Thursday afternoon.

Five of the Ramirez children and a young family friend died in the Sept. 3 fire, apparently caused by a candle. The Ramirez family had been living without power for months because they could not pay their bill.

The lawsuit does not name ComEd as a defendant but does ask the company to provide information related to the case. Luis Diaz-Perez, a ComEd spokesman, said the company is inclined to cooperate but is still evaluating the request.

Levin said the families had not ruled out including ComEd in future litigation.

At the news conference, Levin said that the family lost power, even though they were disputing charges on their electric bill. But Diaz-Perez said other, undisputed charges were large enough to trigger the shutoff.

The fire sent shock waves through the neighborhood and unleashed a wave of finger-pointing.

Some friends questioned why the Ramirez family did not seek help when they lost their power. Others said the landlord has typically done a poor job maintaining his buildings. Even Mayor Richard Daley said the landlord bore some responsibility for the tragedy.

The lawsuit specifically mentions the lack of working smoke detectors but also cites unspecified "fire hazards" in the building.

Since the fire, community members have donated more than \$45,000 to help the family. More than 1,200 mourners packed a Rogers Park church last week for the children's funeral.

Family members said that the two injured children, 16-year-old Natali and 8-year-old William, were released from the hospital this week.

The children's parents "are trying to get back to their normal routine, but it's taken a lot of time," said Yadira Ramirez, 18, a sister to all but one of the fire victims.

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