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\$6 million fire settlement told

Apartment blaze in Rogers Park killed 6 children

By Michael Higgins

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Two families who lost six children last year in a Rogers Park apartment fire agreed on Tuesday to settle their lawsuit against the building owners and managers for a combined \$6 million.

Augusta and Amado Ramirez, the parents of five children who died in the blaze, alleged that the defendants failed to protect their 3rd-floor apartment with a smoke detector.

The Ramirez family will receive \$5 million in the settlement approved Tuesday by Cook County Circuit Judge Elizabeth Budzinski.

Maria Ramos, whose 3-year-old daughter, Escarlett, also died in the fire, will receive \$1 million. The Ramirez family was baby-sitting the child.

Representatives for the three defendants -- CIG Management LLC, Marshway Limited Partnership and Marshway LLC -- did not return repeated calls seeking comment Tuesday on the settlement.

At a news conference, Yadira Ramirez, 19, who lost five siblings in the fire, said her family has struggled emotionally since the tragedy.

"Everything is really hard," Ramirez said as she cried and clutched a tissue at the Loop office of her family's lawyer. "Every time we see a family, we remember everything."

Vanessa Ramirez, 14; Erick, 12; Suzette, 10; Idaly, 6; and 3-year-old Kevin were killed in the fire. Two others -- William and Natali -- were injured. The family has three other children.

A burning candle started the blaze at 7706 N. Marshfield Ave. after midnight on Sept. 3, 2006, fire officials said at the time.

The Ramirez family had been living without power for months because it could not afford to pay its electric bill.



ComEd was within its legal right to shut off the power, John Perconti, the family's attorney, acknowledged Tuesday.

The Ramirez family was "living like in a Third World country, and there was no reason for that," Perconti said. "Those conditions should not be tolerated by anyone. They did whatever they could to survive, to cook, and to live without electricity."

Under Chicago's municipal code, at least two smoke detectors should have been operating in the apartment, according to Perconti.

"We believe if there had been working smoke detectors, the family would have been able to ... escape the building without serious injury," Perconti said.

Last year, Jay Johnson, general partner for Marshway Limited Partnership, which owned the building, said the apartment had a smoke detector when the family moved into the apartment in 1998. It was still in working order when the company inspected the apartment in 2005, Johnson said last year. He couldn't be reached for comment on Tuesday.

But Chicago fire officials said at the time of the fire that no evidence of a smoke detector could be found in the apartment.

A detector in a nearby hallway didn't sound, the two families also alleged. That model had been recalled by its manufacturer for defects, according to Perconti.

The tragedy was the worst death toll of children in a single residential fire in Chicago since a fire in 1976 killed 10 children in Pilsen.

On Tuesday, Perconti praised the city for helping to create a new program earlier this year to help low-income residents who struggle to pay their electric bills.

ComEd also has since agreed to provide City Hall with lists of customers who face shut-offs. The city has begun making well-being checks on residents on those lists, officials said earlier this year.

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