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Plaintiff wins \$3M against landlord over fatal TV fire

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Under an uncommon application of strict product liability law, a Los Angeles County Superior Court jury has ruled that a landlord was responsible for furnishing a television that sparked a fatal 2012 apartment fire.

Plaintiff's counsel called the broad ruling a win for a housing issue that has been largely undeveloped in the courts, while defense attorneys said it leaves landlords vulnerable to how they conduct business.

The Van Nuys jury on Tuesday delivered a \$3 million verdict to Shirley Oliver, the mother of Lauren Humphrey, who died in the furnished corporate apartment after a television supplied by Worldwide Corporate Housing L.P. started a fire, according to the lawsuit.

The jury found that the landlord, Oakwood Apartments, was responsible for the distribution of the defective television. *Oliver v. Worldwide Corporate Housing L.P.*, BC516791 (L.A. Super. Ct., filed Feb. 26, 2016).

Woodland Hills plaintiff's attorney Lars Johnson of Grassini, Wrinkle & Johnson argued that because the land-

lord offered televisions with the rented apartment, it fell into the chain of distribution under strict product liability law.

"They are distributing these televisions. Why would they be treated any differently than any local TV or sales department vendor? The law should apply equally to them," Johnson said.

"(The defense) essentially denied that they distributed the TV," he added.

Defense counsel, represented by Paul Elkort of Maranga Morgenstern, did not return a request for comment.

Johnson never pursued a claim of negligence, instead applying his theory of strict product liability. Oakwood's motion for summary judgment and an appellate writ were both denied, and the case proceeded to trial.

He said it's uncommon to see the product liability law applied in such a case. A 2005 state Supreme Court decision ruled strict product liability is not enforceable regarding household items that are considered fixtures, such as a stove or a light. *Peterson v. Superior Court (Banque Paribas)* (1995), 10 Cal. 4th 1185.

A television falls out of that range with this jury's ruling, if upheld, but Johnson said the exposure for land-

lords going forward is going to depend on the degree to which they are operating within the chain of distribution for products.

Kenton Moore of McCune & Harber LLP, who is not involved with the case, said the case presents a bit of a gray area in terms of the law.

"I would say it's close. I could see both sides to it," said Moore, who practices defense cases. "It also depends if you are furnishing the TV for temporary use and not for ownership," he said. Moore said it may be an issue on appeal as to whether strict product liability should apply in this case.

Humphrey had a blood alcohol level of .28 as well as prescription pain medication in her system at the time of her death, according to Johnson. A cause of the fire was never determined by fire investigators.

Johnson said defense attorneys denied the fire started because of the television, asserting the plaintiff failed to exit the apartment while she was under the influence of alcohol.

The plaintiff previously settled with television distributor Apex Digital for a confidential amount.

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