Sofa Store Lawsuits In Flux

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By Ron Menchaca
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The charred remains of the Sofa Super Store no longer stand along Savannah Highway as a stark reminder of the blaze that killed nine Charleston firefighters. But lawsuits stemming from the tragedy that occurred there June 18 could drag on for years if an upcoming round of mediation fails to produce a compromise.

Two wrongful- death lawsuits filed last year by the estates of fallen firefighters William "Billy" Hutchinson and Melvin Champaign already name a dozen defendants, and more could be added. The suits target the owners of the store, the manufacturers of the furniture inside the store, a building contractor, and the companies that built the fire doors that investigators later determined had malfunctioned. Neither the city of Charleston nor its fire department are named in the complaints.

On Friday, Circuit Judge Roger Young declared the cases "complex," a legal determination to consolidate and streamline the myriad depositions and discovery motions likely to take place as the case moves forward. Young encouraged both sides to start resolving some of the issues before coming back to him in July.

Attorneys representing the families of the other seven firefighters who died at the store also attended Friday's hearing and have not ruled out the possibility of taking part in a settlement or joining the lawsuits.

The suits allege that the owners of the building made multiple changes and additions to the site without adhering to national fire and electrical codes, contributing to the fire's rapid spread from a loading dock into the store's massive showroom. Flames ignited highly flammable polyurethane foam contained in sofas and other furniture, and the store's maze-like layout made it impossible for firefighters to escape before flames consumed the building and the roof collapsed, the suit contends.

Dozens of attorneys, many representing manufacturers of furniture sold at the store, attended Friday's hearing. Most of the defendants in the case already have filed responses with the court, denying any responsibility for the firefighters' deaths.

Motley Rice attorney Kevin Dean, a member of the legal team representing the estates of

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Hutchinson and Champaign, said the families of the other fallen firefighters are “waiting on the sidelines” and could be folded into a group settlement.

In the meantime, both sides agreed Friday to begin preliminary mediation to determine whether a settlement is possible and what the dollar amount might be. Larry Richter, who is representing the families of firefighters Louis Mulkey, Brad Baity and Mike Benke, said the fact that the firefighters held blue collar jobs means that any settlement won’t be “over the moon.”

“These people who lost their lives, they were good men, heroes. But they had a finite sort of existence,” Richter said during the hearing.

Sofa Super Store attorney Richard Rosen agreed that mediation is a good first step. The complexity of the case, however, doesn’t favor a quick resolution, he said. “Typically in situations like this, things do go on for years.”

Dwayne Green, who represents Kim Drayton, the widow of firefighter James “Earl” Drayton, said he would prefer to explore a settlement without litigation.

Dean said talk of a settlement may be premature, given that the findings of some investigations into the fire have yet to be released. “It’s hard right now to evaluate a settlement because there are a lot of unknowns,” Dean said. “We don’t know who is most responsible for this tragic loss.”

The federal Bureau of Alcohol, Tobacco, Firearms and Explosives has yet to say what caused the blaze. And a city-appointed panel of firefighting consultants has not completed its report on what firefighters may have done wrong the night of the fatal blaze. The consultants’ report is expected no later than March, attorneys said at Friday’s hearing.

The reports themselves would not be admissible as evidence in court, but the investigators who authored them could be called to testify.

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