



Lawsuit settled in death of 6 in 2010 apartment fire in Minneapolis

Article by: David Chanen
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The enduring mystery over the cause and origin of a 2010 fire that killed six people in a Minneapolis apartment didn't hinder a settlement last week in the wrongful-death lawsuit against the building's owner.

The fast-moving blaze, which gutted several apartments and an Irish pub at 3001 E. Lake St., was the city's deadliest fire in nearly 30 years. A bartender from the pub and a family of five staying with him, including three children, died of smoke inhalation and burns.

The suit, which had been scheduled for trial in May, claimed that the deaths could have been prevented had smoke detectors been adequately maintained. City officials said fire inspectors hadn't checked the apartments for at least 16 years before the fire.

The amount of money involved in the settlement is confidential.

"Whenever there is loss in a fire, especially one involving many lives, the focus is too often on the cause and origin," said Jeff Montpetit, an attorney representing victims' relatives. "When it comes to fires, there are other ways to look at how deaths can be prevented."

The settlement came less than a week after a duplex fire in north Minneapolis killed five siblings on Valentine's Day. Officials haven't determined the cause of that accidental fire, but an incident report said a space heater had been running for days between two rooms where the fire apparently started. No code violations were found at the duplex.

Although no official origin has been determined in the April 2, 2010, Lake Street fire, Montpetit said a fire protection engineer hired by his firm suggested that it originated in the second-floor apartment bedroom of bartender Ryan Richner, who worked at McMahon's Irish Pub on the first floor of the burned building.

Also killed were Andrew Gervais, his three children and his mother, Anne Gervais. They weren't related to Richner and were only planning to stay overnight. They had been asleep for a few hours when the fire started around 5:30 a.m., according to the suit.

There were conflicting stories from tenants about the building's condition. Some said it was in good shape, while others said various apartments smelled of gas, had hanging wires where a smoke detector once worked, a blocked doorway or no fire extinguishers.

Weeks after the fire, the Minneapolis City Council voted to overhaul its housing inspection program. Under the plan, supervision and scheduling of inspections was shifted from the Fire Department to the city's Regulatory Services Department. Firefighters continue to inspect larger apartment buildings and mixed-use commercial buildings.

The owner of the Lake Street building, Harold "Pat" Blumenthal, and his daughter who managed the property, Sandy Pearson, repeatedly declined to comment after the fire. In the suit, they denied all allegations of neglect.

Attorney Brady Ayers, representing the defendants, said their investigation determined that Blumenthal's realty company properly installed and maintained smoke detectors in the building. He described the fire as a terrible tragedy.

He said investigators reviewed the many variables of the fire: where it started, how quickly it spread, the familiarity of the occupants with exits and whether the fire's heat disabled the detector or the battery was taken out by a tenant. If tenants realize that a detector isn't working, state law requires them to notify the landlord within 24 hours.

From the time Richner took possession of his apartment in September 2008 until the fire, he never complained that smoke detectors in his unit weren't working, according to the suit. Other apartments had working detectors the day of the fire, the suit said.

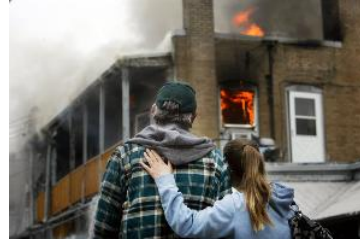
Montpetit wants the state to strengthen its compliance codes, which he called very simplistic. Building owners are responsible for checking detectors and replacing them every 10 years.

He'd also like to see more fire safety education for landlords and building owners.

Montpetit said there is some relief for his clients in the suit's resolution, but it comes with mixed emotions.

"The survivors of this event will try to proceed with life as normal as they can after suffering great losses," he said.

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