



Mother Is Awarded \$1.98 Million For Loss Of Three Children In Fire



Joseph Ginarte



Richard Winograd

By Henry Gottlieb

Castillo v. 229 Academy St. Corp.: A Hudson County jury awarded \$1.98 million on May 8 to a woman who claimed that the failure of a smoke alarm caused the death of her three children in a Jersey City apartment fire.

Esperanza Castillo sued her landlord, 229 Academy Street Corp., after

her children, Desiree, 10, Jazmin, 9, and Keyla, 6 were burned to death in their apartment before dawn on April 9, 1995.

After eight hours of deliberation over three days before Superior Court Judge *Seymour Margulies*, the jury found the sole defendant 100 percent liable and awarded \$150,000 for each child's pain

and suffering. It awarded \$300,000 for each child's wrongful death, \$168,000 for Castillo's pain and suffering and \$441,000 for her bystander anguish under *Portee v. Jaffee*, 84 N.J.88 (1980), plus \$22,000 for unpaid medical bills.

Prejudgment interest will bring the recovery to \$2.35 million, says the plaintiff's lawyer, *Joseph Ginarte* and *Richard Winograd*, of Newark's *Ginarte, O'Dwyer, Winograd & Laracuent*.

Castillo testified that she was awakened at 4:30 a.m. by the light of the fire and never heard a smoke alarm. She said she roused her children and tried to lead them out of the apartment, but they became separated and she was too badly burned over 26 percent of her body to rescue them.

The fire burned the smoke alarm beyond examination. But Defense lawyer, *James Orr*, a partner in the Newark office of Newark's *Wilson, Elser, Moskowitz, Edelman & Dicker*, presented evidence that the landlord's fire prevention and safety measures were sufficient. Orr also presented evidence to suggest the plaintiff could have done more to save the children.

Robert Neff Jr., an associate who assisted Orr, says an appeal is being considered.