



## MIDDLESEX COUNTY

**PREMISES LIABILITY****Fire — Apartment****Installation of towel rack above heater created fire risk****SETTLEMENT**     **\$750,000**

**CASE**                    Larisa Pavlova, individually, as and  
Guardian of the Estate of Yergenia  
Pavlova v. Mint Management  
Corporation, No. MID-L-6507-01

**COURT**                Middlesex County Superior Court, NJ

**JUDGE**                Michael Toto, Jr.

**DATE**                    4/21/2006

**PLAINTIFF**

**ATTORNEY(S)**     **Christian Fleming**, Jabin & Fleming,  
East Brunswick, NJ  
**Arnold Jabin**, Jabin & Fleming,  
East Brunswick, NJ

**DEFENSE**

**ATTORNEY(S)**     **Lisa Kim**, Leary, Bride, Tinker & Moran,  
Cedar Knolls, NJ  
**William Mergner, Jr.**, Leary, Bride,  
Tinker & Moran, Cedar Knolls, NJ

**FACTS & ALLEGATIONS** On Dec. 18, 1999, plaintiff Yergenia Pavlova, 77, retired, was taking a bath at her Edison apartment in a senior citizen complex when a towel burst into flames on contact with an electrical heating element. Pavlova suffered severe burns and died 20 days later.

Pavlova's daughter, Larisa, sued the apartment's management company, Mint Management Corp., East Brunswick, for premises liability, claiming negligent installation. Specifically, plaintiff's counsel claimed that Mint Management fostered a dangerous environment that led to a wrongful death by installing a towel rack above the heater.

Defense counsel argued that the placement of the heater and towel rack conformed to safety standards and code.

Also, Mint Management filed cross-claims against the heater installer, Robert Bauer Electrical Installations Inc., Cranford, and the manufacturer, Federal Pacific Electric Co., Mayfield, Ohio, for failure to warn and products liability.

Settlement talks began before trial.

**INJURIES/DAMAGES** *death*

Pavlova was rushed via ambulance to the burn center where she remained in a sedated state for 20 days until her death. The guardians of her estate sought an award for future loss of services of \$245,075 and an unspecified amount for survival damages and past and future pain and suffering.

Defense counsel did not dispute damages

**RESULT** Before trial, Mint Management settled with the estate for \$750,000. Mint Management's products liability claims against Robert Bauer and Federal Pacific are still pending.

**PLAINTIFF**

**EXPERT(S)**            **Ronald Sebring**, architecture,  
Point Pleasant, NJ  
**Frank D. Tinari, Ph.D.**, economics,  
Livingston, NJ  
**Richard E. Twomey**, fires & explosions,  
East Brunswick, NJ

**DEFENSE**

**EXPERT(S)**            None reported

—Gregg Kaysen