



Town Agrees To Pay Fire Victim's Family \$1.4M

Lawsuit claimed that firefighters didn't perform thorough search

By **CHRISTIAN NOLAN**

Edward Romig v. James Sutton, et al.: The Town of Greenwich has agreed to pay \$1.4 million to the family of a 22-year-old who was killed in his apartment during a fire in December 2000.

The case had been pending for more than six years and a settlement between the town and the family's lawyers did not occur until a day after jury selection began in mid-May.

According to one of the family's lawyers, **Peter Mason Dreyer**, of **Silver, Golub & Teitell** in Stamford, a fire broke out between 7 and 8 a.m. on Dec. 9, 2000 inside the Greenwich apartment of William DeWitt Romig.

Dreyer said that another tenant in the apartment house, Joseph Benton, who was mentally ill, had a dispute with the landlord, James Sutton, over rent. So on that December morning Benton, who lived in the apartment above Romig, decided to retaliate against the landlord. He let himself inside Romig's first floor unlocked apartment and held a match or lighter to the living room couch until a fire was set.

Dreyer said that, since it was a Saturday, Romig was still asleep. Firefighters arrived to battle the blaze, but according to Dreyer, believed all the tenants were outside and did not do a search for anyone trapped inside the home during the fire.

After the fire was extinguished, Romig's body was discovered around 3 p.m. sitting against the inside of the bathroom door. He died from smoke inhalation.

Dreyer said no one was positive how Romig wound up in the bathroom but

that investigators theorized that Romig awoke to a smoke-filled apartment and ran into the bathroom, hoping it was the way out of the apartment, as the bathroom door was next to the exit. Once inside, it was likely the only place devoid of overwhelming smoke and heat, and the victim apparently tried to stretch a towel across the bottom of the door to keep the smoke out.

Dreyer said there was very little damage to the bathroom from the fire in comparison to the rest of the building.

In 2002, Romig's parents, Edward Romig and Mary Stacy, since divorced, filed a lawsuit against Sutton, the town, and Benton. The lawsuit accused the town firefighters of being negligent for failing to break down the bathroom door to ensure nobody was inside.

Dreyer, who worked on the case with partner **David Golub**, said key deposition testimony in the lawsuit came from former Greenwich Fire Chief Daniel Warzoha, now the town's head of emergency management. Dreyer said Warzoha admitted during a deposition that the fire-



Contributed Photo

Plaintiff's attorney Peter Mason Dreyer said the victim's family has given to charity a significant amount of money collected in settlements.

fighters should have made sure nobody was inside the bathroom.

Dreyer said Warzoha claimed that "firefighters have to assume there are people on the premises and check for them regardless of any information from people on the scene because it's often un-

reliable information.”

Further, Warzoha said firefighters pushed on the door but did not break the door down. They simply assumed the resistance against the door was caused by debris on the other side. Warzoha said it is not uncommon for people to try to hide in closets and bathrooms that may be a temporary “sanctuary” from the fire.

Despite Warzoha’s statements, the town’s defense team, led by attorney **Garie Mulcahey**, of Shelton’s **Bai, Pollack, Blueweiss & Mulcahey** was in no hurry to settle the claim and was prepared to go to trial. Mulcahey did not return calls for comment.

Town Attorney, **John Wayne Fox**, who also did not return calls from the *Law Tribune*, told the *Stamford Advocate* last

month the firefighters “acted appropriately” and that there was “no liability that ought to be imposed on the fire department or the community.”

Fox told the paper that the decision to settle the case was at the insistence of the town’s insurance company, which will pay the bulk of the \$1.375 million settlement.

“Eight-and-a-half years later the family is pleased they’ll finally be able to get some closure on this case,” said Dreyer, the plaintiff’s attorney. “But they’ll never recover from the loss of a son.”

Dreyer said the family has been “very good about giving money to charity from the settlement proceeds” to allow their son’s memory to live on.

In addition to the settlement with the

town, the plaintiffs reached settlements several years ago with the other defendants. They settled with Benton for \$298,447.

Criminally, Benton was found not guilty of arson and murder in December 2003 by reason of mental defect or disease. He was ordered confined to a mental health facility for the remainder of his life.

The Association of Retarded Citizens, which was caring for Benton at the time of the fire, was another defendant. It settled for \$325,000. Sutton, the property owner, admitted his part in the liability by accepting an offer of judgment for \$1.25 million.

Dreyer said the settlement with the town would likely become official at a June 9 probate hearing before Judge John Blawie. ■