

\$29 million awarded in fatal Kings Co. apartment fire

Couple and 3 children died as relatives watched the inferno.

By Pablo Lopez / The Fresno Bee
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In one of the largest wrongful death judgments in Kings County history, relatives of a young couple and three children who died in a devastating apartment fire won \$29 million Tuesday.

Derik Faubion and his fiancée, Michell Mattison, both 19, perished in the fire at the Northgate Apartments along with their 2-month-old daughter, Hayden Allison Faubion. Two siblings of Mattison -- Lexus May Bisnar, 4, and her brother Ariel Nel Bisnar, 2 -- also died.

Retired Judge Daniel Pratt, acting as an arbitrator in the case, ruled Lemoore Real Estate and Property Management was negligent in maintenance of the 23-unit apartment complex at 226 E. Hazelwood Drive.

A key piece of evidence was a letter from the property management firm to tenants that stated "smoke detectors are not in place in most units." The letter was written six months before the fatal fire, court records show.

Mick Marderosian, a lawyer for the plaintiffs, said the property management firm has a legal duty to operate a safe complex. He also said there was no evidence that a smoke detector was in the victims' apartment.

Michael R. Johnson of Hanford, the lawyer for the property management firm, could not be reached to comment Tuesday evening.

Pratt awarded Mattison's mother, Rizalda Poliquit, and her father, Alan Mattison, who are divorced, and Poliquit's boyfriend, Arnel Bisnar, \$21 million in damages. Poliquit and Bisnar are the parents of Lexus and Ariel, who were visiting the apartment that night.

Derik's mother, Bernadette Faubion, and his grandparents, Duncan and Sue Faubion, received \$8 million in damages.

Marderosian and lawyer David Moeck, both from Fresno, said their clients, who lived nearby, saw the apartment burn to the ground on July 28, 2007. The families were helpless to save their relatives because the flames and smoke were too intense, the lawyers said.

"Their name ended that night," said Marderosian, referring to the multigenerational loss.

Court records said the victims were in their upstairs apartment when the fire started on the patio of a unit directly below them at 1:18 a.m.

The fire started in bags filled with paper, toys and plastic items. Smoke and fumes from the plastic were so intense that the victims were rendered unconscious, the lawyers said. It is unclear how the fire started.

Once the fire was out, firefighters found the children in the second-floor apartment with Mattison. Faubion had fallen through the floor and was found below. An autopsy revealed the victims died of smoke inhalation.

Marderosian and Moeck said the owners of the apartments, Brian and Rebecca Kiniry, who hired Lemoore Real Estate and Property Management to oversee the complex, settled out of court for \$1 million.




Johnson, lawyer for the property management firm, contested the negligence allegation in court.

Both sides agreed to let Kings County Superior Court Judge Thomas DeSantos assign the case to an arbitrator to avoid a jury trial. DeSantos chose Pratt, a retired judge in Southern California.

Pratt ruled in favor of the plaintiffs after hearing one day of testimony from Lemoore residents, firefighters and investigators. Pratt also viewed photographs of the plaintiffs who cried as they stood helpless outside the burning units.

Pratt awarded Poliquit and Mattison \$4 million each in damages for the loss of their daughter, Michell, and their granddaughter, Hayden. Bernadette Faubion also received \$4 million for the loss of her son, Derik, and her granddaughter, Hayden.

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The judge also gave Poliquit and Bisnar \$2 million each in damages for the loss of their children, Ariel and Lexus.

In addition, Poliquit received \$5 million in damages for emotional distress for witnessing the fatal fire. Bisnar and Mattison and Bernadette Faubion received \$2 million each, and Sue and Duncan Faubion received \$1 million each for emotional distress.

DeSantos on Tuesday affirmed Pratt's verdict and judgment.

"This is one of the saddest cases I have ever seen," said Marderosian, who has been practicing law since 1977. "It not only shocked the city, but wiped out the next generation of two families." The reporter can be reached at plopez@fresnobee.com

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