

Connecticut victims of R.I. fire file suit

27 defendants include band, music store, beer company

By ANDREW RYAN
Day Staff Writer

New London lawyers filed a lawsuit Thursday in U.S. District Court in New Haven on behalf of eight Connecticut people killed or injured in The Station nightclub fire in West Warwick, R.I.

It marked the first use of a law that expanded federal courts' jurisdiction across state lines in cases involving mass tragedies. The law was passed in the wake of the Sept. 11 terrorist attacks.

At least three civil cases stemming from the Feb. 20 fire that killed 100 people and injured nearly 190 already

have been filed in federal and state courts in Rhode Island. The fire occurred at the start of a Great White concert when the band's pyrotechnics ignited soundproofing foam near the nightclub's stage.

The four lawyers who filed the Connecticut lawsuit — Robert I. Reardon Jr., Daniel J. Horgan, Ralph J. Monaco and John J. Nazzaro — said at a news conference Thursday in New London that Rhode Island, the town of West Warwick and other parties have failed to respond to some of their inquiries

about the fire. The lawyers said they fear the legal process could get bogged down in Rhode Island and that filing a lawsuit in Connecticut should expedite matters.

"These are Connecticut residents and they should be allowed to litigate their case in Connecticut," said Reardon, who's representing the families of Jude B. Henault, Samuel A. Miceli and Melvin Gerfin Jr., who were killed, and survivor Nancy Noyes. "We want to get started now, before people forget what happened ... otherwise defen-

dants can circle the wagons."

The lawsuit cast a wide net, naming 27 defendants. They include the surviving members of Great White; the nightclub's owners; Anheuser-Busch Companies Inc., which promoted the concert; and Strawberries Inc., a Norwich music store that allegedly sold a \$20 ticket to a Plainfield woman who died in the fire.

The new federal law, which went into effect 17 days before the fire, extends the reach of federal district courts in

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The plaintiffs are survivors Glenn and Lisa Johnson, Melanie Holiday and Nancy Noyes, and the families of Melvin Gerfin Jr., of Groton, Lisbon couple Jude Henault and Samuel Miceli Jr. and Sarah Jane Telgarsky of Plainfield.

Suit filed on behalf of fire victims

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cases in which 75 or more people are killed.

Under a different federal law, the New London lawyers said that all of the cases stemming from the fire could be consolidated and put before a multidistrict panel of federal judges from a variety of states. In filing their 526-page lawsuit, the lawyers said they legally established their jurisdiction in Connecticut, starting the legal process for their clients.

The 230-count complaint alleges wrongful deaths and negligence and seeks compensation for relationships permanently severed by the fire. In lining up the 27 defendants, the lawyers asserted that two radio stations, a beer distributor, a gas station, a record company and others promoted the event across state lines, luring people from Connecticut to the concert.

For example, Gales Ferry residents Glenn and Lisa Johnson and New Londoner Melanie Holiday went to The Station after they won tickets on New London radio station WQGN, said Horgan, their lawyer. All three survived the fire, but suffered burns, smoke inhalation and other injuries.

The lawsuit alleges that WQGN and its owner, Citadel Communications Corp., should have known that The Station "did not have adequate fire protection." And, by giving away tickets, WQGN helped overcrowd the nightclub, according to the lawsuit, which alleges The Station exceeded its legal capacity of 300 people the night of the fire.

Bob Cox, WQGN's manager, said Citadel Communications, based in Las Vegas, Nev., would handle the lawsuit and refused further comment.

The lawsuit also names as defendants McLaughlin & Moran Inc., the Cranston, R.I., liquor distributor that supplied Budweiser beer at the concert. By attaching the Budweiser name to the concert, the suit alleges that the company induced people to go to the concert.

The Norwich branch of Strawberries, a chain of East Coast music stores, allegedly sold two tickets to the concert to Sarah Jane Telgarsky, who was killed in the fire, said Monaco, who is representing her family. The lawsuit alleges that the store should have known that The Station did not have adequate fire protection.

Monaco said Strawberries made



JOE GIBLIN / Associated Press

■ Robert Reardon checks the 528-page, 230-count civil suit he and fellow attorneys John Nazzaro, left, Ralph Monaco, center and Daniel Horgan, rear, are filing in U.S. District Court on Thursday in New London.

about \$5 from the sale of the two \$20 tickets.

The lawsuit shocked John Sullivan, chief financial officer of Trans World Entertainment, the Albany, N.Y., company that owns the 70 Strawberries scattered across the East Coast.

"As unfortunate as it was with what happened there, I don't think there is any blame on our company," he said. "All we do is sell tickets."

Other defendants include American Foam Corp., the Rhode Island company that allegedly sold the sound-proofing foam blamed for the ferocity of the fire; and Luna Tech Inc., of Owens Cross Rocks, Ala., the maker of the pyrotechnics blamed for sparking the fire. The state of Rhode Island and the town of West Warwick also are named.

Monaco said the defendants have between 20 and 60 days to file a response to the complaint.

"It's hoped that the case is never actually tried in a court of law to spare the families from further pain," said Nazzaro, who along with Reardon is representing members of Gerfin's family.

Nazzaro, however, made it clear that the lawyers were ready for any eventuality, saying, "We are prepared to go to trial."

a.ryan@theday.com