

Case Report from Steven M. Crell

Jennifer Murphy, as parent of Travis Tyler Hensley, deceased v. DB Mobile Home Park

Pre-lawsuit mediation by Peter Schroeder

Injuries: Death of a 13-year-old boy

Date: Dec. 4, 2009

Disposition: \$500,000 settlement

Plaintiff Attorney(s): Steven M. Crell, Cohen Garelick & Glazier, Indianapolis

Defendant Attorney(s): Kyle M. Baker, McNeely Stephenson Thopy&Harrold, Shelbyville

Insurance: Indiana Farm Bureau Insurance Co

Case Information: On June 20, 2009, 13-year-old Travis Tyler Hensley was sleeping in his bedroom of a trailer his family rented in the Clermont Mobile Home Park when a fire started in the mobile home. Tyler's mom, Jeni Murphy, woke up as the fire was engulfing the mobile home. After initially escaping the fire, she tried to re-enter the mobile home to save her son. She was unsuccessful and her son died of smoke inhalation.

Tyler's family argued that the window to Tyler's bedroom could not be opened and that there was no working smoke alarm in the mobile home. They argued that housing codes were violated and the landlord, DM Clermont Mobile Home Park (DM), was responsible for Tyler's inability to survive and escape the fire. DM claimed the fire may have been caused by an electrical appliance or by a member of Tyler's family. It claimed the window was put in place before the current housing codes and was therefore "grandfathered" from the application of the housing codes. It also claimed that the smoke alarm in the mobile home was functioning.

Pete Schroeder did a masterful job of mediating the dispute. He was able to demonstrate to both parties the risks involved in litigating the dispute and the benefit to a negotiated settlement. The case settled at mediation for a payment to Tyler's mom in the sum of \$500,000. The benefit to pre-suit mediations cannot be overstated. The parties not only saved substantial costs and attorneys' fees, but also were able to promptly resolve a claim that would surely have taken several months or years to resolve and allowed Tyler's family to receive some measure of closure following his death.

- Steven M. Crell