

Fatal House Explosion in Elizabeth Leads to \$19.2 Million Settlement

By P.J. D'Annunizio

A lawsuit against a New Jersey gas utility over a gas explosion that destroyed an Elizabeth family's home, injured six, and killed two has ended in a \$19.2 million settlement.

The settlement, reached between the Henderson family and the utility company, NUI Corp., operating as Elizabethtown Gas, was approved by the court earlier this month.

Six of the family members sustained severe burns from the explosion, while Kimiya and Tyquan Henderson were killed. The plaintiffs argued that Elizabethtown was responsible for the gas leak that ultimately led to the explosion at 1035 Magnolia Ave. on Nov. 11, 2015.

Union County Superior Court Judge Mark Ciarrocca approved the settlement in a document dated Feb. 11. Of the net amount—after attorney fees, funeral expenses, and Medicaid liens were deducted—the settlement is to be divided several ways: 10 percent to Jennie Henderson's individual claim; 12.5 percent to Tyeashia Henderson's individual claim; 12.5 percent to infant Hasson McElroy's individual claim; 20 percent to the estate of Tyquan Henderson, of which 5 percent is attributed to the wrongful death claim and 15 percent to the survival claim; 20 percent to the estate of Kimiya

Henderson, of which 10 percent is attributed to the wrongful death claim and 10 percent to the survival claim; and 25 percent to the estate of Tavasha Henderson, of which 12.5 percent is attributed to the wrongful death claim and 12.5 percent to the survival claim, according to settlement documents.

Mazie Slater Katz & Freeman, the plaintiffs' counsel, is "entitled to an attorneys' fee of 29 percent of the gross recovery, less litigation expenses, in excess of \$3 million. However, Mazie Slater Katz & Freeman, LLC's attorney fee relating to the individual claim of Hasson McElroy shall be capped at 25 percent," according to Ciarrocca.

"This case was vigorously litigated by all parties and involved very complex legal, factual and medical issues,"

the Hendersons' court papers said. "Plaintiffs had to pursue the claims of six individual claimants against sophisticated defense counsel, including two national law firms, who aggressively defended NUI and Elizabethtown [Gas's] interests."

David Mazie, an attorney for the plaintiffs, said: "This was a tragic, horrible accident that ripped this family apart. Hopefully, this settlement will allow the family members that survived to bring their lives back to a place where they can get beyond this."

David Field, chairman of Lowenstein Sandler's products liability and specialty torts division, represented NUI and declined to comment on the settlement.

In NUI's answer to the complaint, the defendant denied liability.

"Said damages were caused by the negligence, culpable conduct, intentional and/or wrongful acts of plaintiffs Jennie Henderson, individually and as guardian of Hasson McElroy, and as administrator of the estate of Tyquan Henderson, the Estate of Tavasha Henderson, the Estate of Kimiyha Henderson, and Teyeasha Henderson ... and not through any acts of negligence, culpable or wrongful conduct on the part of this defendant," NUI's papers said.

The settlement was reached in mediation with retired Judge Mark Epstein of Hoagland, Longo, Moran, Dunst & Doukas.

Also representing the plaintiffs were David Freeman and Matthew Mendelsohn of the Mazie firm.

