

SOUTH CAROLINA Lawyers Weekly

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Family hurt in fire settles suit for \$4.1M

By: David Baugher

A family that suffered injuries while escaping from a residential fire has obtained a \$4.1 million settlement from the condominium association for the building in which they lived and its management company, the family's attorneys report.



Monica Wooten Yates

Monica Wooten Yates and Bradley Yates of the Yates Firm in Myrtle Beach report that mother and daughter Elaine and Khrysta Boulavsky of Myrtle Beach were at home when fire broke out at their complex in 2018. Monica Yates said the pair was forced to leap from a third-floor balcony to evade the flames.

The firm said that Elaine suffered fractures to her ribs, spine, pelvis, hips, and ankles that required multiple surgeries and ten weeks of rehabilitation. Khrysta suffered a hip fracture, a collapsed lung, and problems from smoke inhalation. Additionally, Elaine is scheduled to undergo hip replacement surgery, and the family's puppy died in the fire.



Bradley Yates

The Boulavskys sued the Windsor Green Owners Association and Benchmark/CAMS LLC, which oversaw the development, in Horry Count Circuit Court. They alleged that negligence played a role in the blaze, particularly in relation to a birds' nest said to be

inside a light fixture on the floor below their unit. The complaint said that Horry County investigators traced the probable origin of the fire to an area at or near the fixture, although the official cause was "undetermined."

The complaint also alleged that the structure had no fire alarm or sprinkler system and no secondary means of escape. Yates said that the Boulavskys had no idea the conflagration was happening until they smelled smoke.

"When they went to reach for the front door, they could feel the heat coming off that side of the condo [and] knew that they couldn't open the door," Yates said. "When they looked out the window, the only ingress and egress option that they had was the outdoor stairwell on the wide of the building, and it was completely engulfed in flames."

Yates said that the Boulavskys didn't allege any violations of building codes, but the complaint alleged a "history of fires" at the complex and noted a blaze five years earlier that it had damaged 30 buildings, most of which were renovated with new safety features. The Boulavskys' structure wasn't among them.

Their suit was part of a global \$10 million settlement and was one of several claims consolidated in the matter, Yates said, Husband and father Greg Boulavsky was also a party to the suit via a loss of consortium claim, the destruction of his possessions, and mental anguish.

Jay Seibels of the Seibels Law Firm in Charleston represented Windsor Green. K. Michael Barfield of Barnwell Whaley Patterson & Helms in Charleston represented Benchmark/CAMS, LLC. Neither attorney returned a request for comment. Sam Clawson mediated the settlement, which was agreed to on Sept. 10.

SETTLEMENT REPORT – PERSONAL INJURY

Amount: \$4.1 million

Injuries alleged: Rib, spine, pelvis, hips, and ankle fractures; hip fracture, collapsed lung, and problems from smoke inhalation; and loss of consortium, destruction of possessions, and mental anguish

Case name: *Greg Boulavsky; Elaine Boulavsky; Khrysta Boulavsky v. Windsor Green Owners Association, Inc. dba Windsor Green Homeowners Association; Benchmark/CAMS, LLC*

Court: Horry Count Circuit Court

Case No.: 2019-CP-26-00090

Mediator: Sam Clawson

Date of settlement: Sept. 10

Special damages: \$1.875 million in past medicals, projected future medical costs, lost wages and property loss

Most helpful experts: Frank E. Hagan of Buford, Georgia (mechanical engineer)

Insurance carriers: Scottsdale Insurance Company, Greenwich Insurance Company, and Cincinnati Insurance Company

Attorneys for plaintiffs: Monica Wooten Yates and Bradley Yates of the Yates Firm in Myrtle Beach

Attorneys for defendants: Jay Seibels of the Seibels Law Firm in Charleston for Windsor Green and K. Michael Barfield of Barnwell Whaley Patterson & Helms in Charleston for Benchmark/CAMS, LLC