

\$18M verdict slams landlord in fatal CO poisoning case

SA Los Angeles jury awarded \$18 million to a tenant who suffered carbon monoxide poisoning after a grill was brought indoors, highlighting landlord negligence regarding an alarm.

By Antoine Abou-Diwan

Daily Journal Staff Writer

A Los Angeles jury has awarded \$18 million to a tenant who suffered severe and permanent injuries stemming from carbon monoxide poisoning from charcoal briquettes burning on a grill that was brought inside. Whether an alarm was installed in the rental unit was at dispute in the trial.

The verdict came after a two-week trial in which the plaintiff's attorney said some witnesses and experts had to be dropped to meet Judge Tiana J. Murillo's timeline.

The defendants, Saenz LLC and the entity's husband and wife managers, were represented by Marcella Lucente of Lucente Law Office. Lucente did not respond to a request for comment.

The case arose from a housing habitability issue that took a tragic turn. The plaintiff lived in a rental unit on 80th Street in Los Angeles that her boyfriend leased. The complaint claims that the plaintiff and her boyfriend were cooking outside on a charcoal grill on the evening of Jan. 7, 2023. The filing says that he brought the grill inside due to the cold weather and the lack of a heater in the unit.

"Without the benefit of a carbon monoxide alarm, [Briana Jocelyn] Garcia-Nava and [Edwin] Pereira unknowingly inhaled carbon monoxide that was being emitted by the still-burning charcoal briquettes in the grill. The carbon monoxide replaced the oxygen in their blood and caused Garcia-Nava and Pereira to suffer hypoxemia and suffer a syncope episode. Garcia-Nava came to the



Los Angeles County Superior Court Judge Tiana J. Murillo.

next morning at approximately 10:30 a.m. When she came to, Garcia-Nava found Pereira lying dead next to her," Grant K. Riley wrote in the complaint. His partner in Riley Ersoff LLP, Victoria L. Ersoff, also represented Garcia-Nava. *Briana Jocelyn Garcia-Nava v. Saenz LLC, et al.*, 23STCV06786 (L.A. Super. Ct., filed March 28, 2023).

It later emerged that Pereira brought the barbeque inside because they were watching their favorite television show, Riley said in a telephone interview.

"They were watching 'Love is Blind' on MTV," Riley said. "He said, 'I'm hungry' and brings the still-warm barbeque inside the apartment. Briana sees this but it doesn't register

in her head it's potentially unsafe. She didn't see smoke. Two hours later both say, 'I don't feel well.' After that she doesn't remember anything."

The defendants said the landlord had installed a carbon monoxide alarm and two smoke alarms. They produced a receipt and photos to prove it. The building's handyman testified that an alarm was installed and blamed the tenants for taking it down, Riley said.

"We dissected and broke down the defenses," Riley said. "It was a complex case. We had more than six expert witnesses. It's difficult to put that on in two weeks."

"Carbon monoxide alarms are mandatory in all rental units in Cal-

ifornia," Riley continued. "For landlords to ignore this requirement is inexcusable. It's one more example what right-minded jurors think of landlords who ignore tenant safety."

The statute of limitations has run out for Pereira's family to file a claim, Riley said.

"We suspect Edwin's family and the landlord's family are related. They come from same small town in El Salvador," Riley said. "They denied being related, but Edwin's last name is Saenz and the defendants' last name is Saenz. They're from the same small town."

antoine_abou-diwan@dailyjournal.com