

Tea Fire Victims File Suit

By Chris Meagher ([Contact](#))

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Lance and Carla Hoffman Claim Negligence and Nuisance

Lance and Carla Hoffman, the young couple badly burned when they tried to escape the Tea Fire as it raged around their rented home on Mountain Drive the night of November 13, 2008, have filed a civil lawsuit against the 10 people alleged to be responsible for the fire, as well as the owner of the Tea Garden property. The suit, filed Wednesday in Superior Court, alleges negligence, negligence per se, public nuisance, private nuisance, and premises liability.

As the fire — which went on to burn more than 2,000 acres and 210 homes — swarmed over them, the Hoffmans ran to their car parked roughly 300 yards away. But with the blaze moving fast, they were overcome and severely burned. They eventually made it to their car and down the hill, where they were soon airlifted to the UC Irvine Regional Burn Center. The couple was discharged in January 2009, but regularly returned for visits. Since then, according to their attorney, the couple have amassed nearly \$5 million in medical expenses. The community rallied, hosting a variety of events and fundraisers to help the two get back on their feet.



Len Wood

Lance and Carla Hoffman

Meanwhile, the DA came under scrutiny for taking 97 days before filing charges against the 10 people who allegedly started the fire. There wasn't enough evidence to tie the group to the fire, senior prosecutors decided.

The assistant DA in charge of the case at the time, Eric Hansen, who has since retired, said the 10 defendants — Mohammed Alessam, Fahad Al-Fadhel, Joshua Decker-Trinidad, Stephen Reid, Lauren Vazquez, Hope Dunlap, Hashim Hassan, Casey Lamonte, Natalie Maese, and Carver McLellan — were cooperative, telling investigators they had been at the Tea House the night before to enjoy the view but not to party. Alcohol was present and at least one person had a few drinks. The group started a fire, but insisted they put it out before leaving, stomping on it, dousing it with water and soda, and even urinating on it. They left 12-14 hours prior to reports of a fire on the evening of November 13.

Hansen said that neighbors reported seeing people acting suspiciously in the area closer to the time of the start of the fire, one person even telling investigators she witnessed a person with gas cans head up the hill, though there was no forensic evidence indicating gasoline helped start the blaze. Members of the District Attorney's Office said they found nothing to suggest other fires were present that night.

But Hansen concluded the evidence "was insufficient as measured against the reasonable- doubt standard." All 10 members of the group pleaded no contest to criminal charges of trespassing and were sentenced \$550 in fines and 75 hours of community service. One man chose to spend time in jail instead. In exchange, a charge of



having a fire without a permit was dismissed.

But civil court has a different, lesser standard of proof. All that must be proven is that something is more likely to be true than not true.

To prove negligence, the Hoffmans must show a causal connection between the defendants' actions and the couple's injuries, which may be difficult given the hours between the time of the gathering and the time the Tea Fire commenced. The nuisance claims are solely against the property owner, Mary Robinson. It is alleged she knew or should have known that the site, for decades, had been a place of gatherings where people would have bonfires and drink alcohol.

"Based on information and belief," the Hoffmans' lawsuit alleges, "the Tea Fire was started after defendants ... entered property owned by Mary K. Robinson, and/or the Mary K. Robinson Living Trust and participated in a voluntary social gathering. In furtherance of that social gathering, the defendants consumed alcohol and started a contained fire." At the conclusion, the suit states, "inadequate efforts" were used to extinguish the fire.

The Hoffmans, "as a direct and proximate result" of the actions of the defendants, "sustained, and continue to suffer, great and horrific bodily injury, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life."

Attempts to reach some of the 10 defendants were unsuccessful. It isn't known if they have hired civil attorneys.

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