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Breaking Legal Developments in Fire Investigation

Breaking Legal Developments

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EXECUTIVE SUMMARY: This weekly newsletter covers:

1. [Non-Combustible Sealant Fire Place Action Reinstated by Court](#)

(1) NON-COMBUSTIBLE SEALANT FIRE PLACE ACTION REINSTATED BY COURT

In [Nationwide Mutual Insurance Co. v. American Heritage Homes, No. 14-05-54](#), the Ohio Court of Appeals, 3rd District, reinstated a fire case permitting a jury trial to proceed. A fire occurred after a log lighter had been used. The occupant saw the north side of the house glowing and fire shooting out of the side of the house.

The private fire investigator asserted the fire was the result that the prefabricated fireplace and prefabricated chimney were improperly installed. Specifically that manufacturer and fire code requirements were not met. The specific cause of the fire was ignition of natural gas escaping from the gas supply line at the point where the elbow met the short horizontal pipe. The gas leak at the outer skin of the fireplace unit was ignited because the sealant and insulation required at the gas pipe had not been installed.

The trial court had granted summary judgment for the defendant. The Court of Appeals disagreed finding a question whether the installer had a duty to seal the pipes with the non-combustible sealant and whether that duty was breached. The court reversed summary judgment and remanded the matter for trial.

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