



Man put into a coma by heater settles suit

By Ben Charny
STAFF WRITER

An Oakland man, who went into a coma because of exposure to a faulty apartment heater spewing carbon monoxide, will settle a lawsuit against the manufacturer for \$3.5 million, according to court records filed Wednesday.

The proposed settlement is the largest one reached since the parents of Manuel Pena Jr. sued several businesses in 1989. If it's approved by a judge, as expected, the family will receive a total of \$4.55 million to dismiss its lawsuit.

"It is an excellent result," Pena family attorney Lewis Van Blois said Wednesday of the agreement between the Penas and Rheem Manufacturing. "Now this family has the funds to help get qualified care to help relieve them of this constant burden."

Pena, an only child, lapsed into a coma in late January 1989.

His health has improved slightly. He responds to music, his parents' voices, and most recently a baby niece visiting him at a hospital in Sparks, Nev., where he is a permanent patient, Van Blois said.

However, while his progress

was considered a miracle, this law clerk and campaign worker for the 1988 Michael Dukakis presidential bid is not expected to fully recover, Van Blois said.

An attorney for Rheem did not return two telephone calls Wednesday afternoon.

Pacific Gas & Electric, which inspected the heater when Pena moved into the apartment on Vernon Street in Oakland on Nov. 1, 1988, agreed to settle its portion of the lawsuit for \$50,000.

Hon and Nora Fung, the building owners, plus apartment manager Becker Property Management agreed to pay \$1 million to settle the suit, according to the records.

Alameda County Superior Court Judge William Dunbar is expected to approve the settlement by early next week.

The furnace malfunctioned because covers for two of its doors had been reversed, allowing the release of carbon monoxide. But after more than four years of investigation and litigation, no one agrees on when the doors were reversed or who reversed them.

More local news
on B-10