

Contra Costa firefighter's widow sues

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(08-20) 13:19 PDT MARTINEZ -- The widow of one of two Contra Costa County firefighters who died in a 2007 house fire that also killed two residents has filed a wrongful-death lawsuit against two security companies, saying improper reporting of the blaze led to his death.

The fire at 149 Michele Drive in San Pablo's Montalvin Manor neighborhood killed Delbert Moore, 67, and his wife of 18 years, Gayle, and Capt. Matt Burton, 34, of Concord and Engineer Scott Desmond, 37, of Brentwood.

In a suit filed Tuesday in Contra Costa County Superior Court, Desmond's widow, Carolyn, and her son said Pinnacle Security of Utah and its subcontractor Security Associates International of Illinois were to blame for the firefighter's death.

When the fire broke out about 1:30 a.m. on July 21, 2007, Security Associates received an automatic smoke alarm from the home. A company employee identified only as Kendra activated a two-way intercom at the home and asked, "Is everything OK?" Gayle Moore responded, "No, we have a fire," the suit said.

"OK, you want me to go ahead and, um, call the fire department for you?" Kendra asked.

"Please, please," Gayle Moore said.

But Kendra called the Contra Costa County Fire Protection District on a nonemergency line and said, "I'm calling to report a fire alarm," as opposed to an actual fire, prompting the fire dispatcher to consider it a lower-priority call, the suit said.

At one point, Kendra was put on hold for five minutes while the dispatcher answered emergency calls and "the fire in the Moore home grew in intensity," the suit said.

It was nearly 10 minutes after Gayle Moore spoke to the alarm company before firefighters were sent to the scene, and even then only one engine was initially dispatched, with Desmond and Burton aboard, the suit said.

The suit says the alarm companies were negligent, and seeks unspecified monetary damages.

"It wasn't action, it was the wrong action," the Desmond family's attorney, Andrew Schwartz of Walnut Creek, said today. "They misrepresented to the Contra Costa County Fire District what was told to them by the Moores. Because of the misinformation given by the fire-alarm company to the fire district, the entire response was significantly delayed."

Had the alarm-company employee been properly trained and "reported an actual fire in progress, Scott Desmond would not have died," the suit said.

Security Associates said in a statement that it had "responded properly in all aspects to the signal received from the Moore residence. ... We have cooperated with all officials in the investigation of this case." A spokeswoman for Pinnacle Security declined to comment on the lawsuit.

Delbert and Gayle Moore died of smoke inhalation, and the firefighters died of smoke inhalation and burns, authorities said. Burton was a 10-year veteran of the fire district, and Desmond had served for eight years. They were the first firefighters in the Contra Costa district's history to be killed in the line of duty.

Investigators concluded that the fire had been caused by a cigarette in a bedroom that ignited combustible material. In a 122-page report issued last month, the fire district uncovered other problems, including confusion over which units were responding to the fire and who was in charge.

"Ineffective fire-ground communications and lack of personnel accountability contributed to a failure to recognize that there was no incident commander and to rapidly identify that personnel were missing," the report said.

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