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SETTLEMENT RESULT: \$155,580

PREMISES LIABILITY

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SETTLEMENT—Homeowner alleges subcontractor improperly installed waterproofing membrane to foundation

PREMISES LIABILITY

Mold

No COURT/UNFILED SETTLEMENT

Confidential v. Premiere Construction.

Settlement date: 2/28/2002.

SETTLEMENT RESULT: \$155,580

COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: This case arose from faulty waterproofing that was installed on sub-surface basement walls of a newly constructed home during July 2000.

The waterproofing membrane was not applied in sufficient thickness, in violation of industry standards and the building code. Beginning in February 2001, plaintiff homeowners first noticed leaks in their basement. Subsequently, mold was discovered, which had spread into the first floor of the home by way of the air conditioning system.

Plaintiff, a 42-year-old housewife, developed severe cough and upper respiratory problems. After extensive environmental testing and waterproofing, and inspections by waterproofing experts, the source of the leaks was ascertained.

Plaintiff alleged that the foundation subcontractor had negligently, and in violation of the building code, improperly installed waterproofing membrane to the sub-surface walls and that all of plaintiff's claimed injuries were a direct result of the subsequent water intrusion and mold infestation.

Defendant foundation subcontractor disputed liability in that the waterproofing membrane was properly installed and contended that the leaks were a result of negligent design by the architect, engineer, and general contractor. Defendant further disputed the nature and extent of plaintiff's claimed injuries. Defendant contended that none of plaintiff's injuries resulted from the mold infestation.

CLAIMED INJURIES

According to plaintiff: Severe cough; upper respiratory problems; asthma.

CLAIMED DAMAGES

According to plaintiff: \$1,000 past medical.

SETTLEMENT DISCUSSIONS

Not reported.

EXPERTS

Plaintiff: Roger Katz, M.D., allergist/immunologist, Santa Monica (310) 393-1550.

Defendant: None.

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