

THEY SAID IT COULDN'T BE SETTLED: CONSTRUCTION DEFECTS CASE

By John Mrosek

In a recent case, some said it could not possibly be settled--- it was an “all or none” case. Incredibly, we got it settled. Young couple buys first home, young baby gets very ill and they are advised by doctor to move out of the house or the child would suffer permanent lung damage. Consider the couple’s fears. First, not being able to pay rent and the mortgage for the home they had abandoned. What would happen to their credit ? Would they ever get a home again ? What about all of the expenses for expert witnesses and attorney fees ?

The culprit ? Experts said that the soil under the house was contaminated with formaldehyde. And, the builder refused to do anything. Enter the litigation process--- time, money, expense and heartache for the young couple. It looked impossible.

On the verge of protracted litigation, the parties settled the case after better than a full day of mediation. In this case, the terms of the settlement were confidential. However, the young couple came out on the other side, able to move on and avoid financial disaster. It pays to hire someone who has actually been there for decades--- another success.