

Chinese drywall suit likely to grow Homebuyers, builders claim to be victimized

BY MARY WOZNIAK • NEWS-PRESS.COM • FEBRUARY 2009

Hundreds of homeowners implicating "upwards of 20 or more builders" have contacted a Bonita Springs law firm regarding a Chinese drywall class action lawsuit filed on behalf of Florida homeowners.

Jordan Chaikin, attorney for Parker Waichmann Alonso LLP, said that besides Lennar and Aubuchon Homes, the builders include Meritage, Taylor Morrison, WCI, Ryland and Paramount Quality Homes, among others.

"As this case moves forward, more builders will be identified. That I'm sure of," he said.

The class action lawsuit was filed Friday in federal court in Fort Myers by the Bonita firm and Morgan & Morgan. Chaikin and Scott Weinstein of Morgan & Morgan are co-lead counsels in the case.

Meanwhile, a lawsuit filed by Lennar Homes, also filed Friday in Miami-Dade state court, paints Lennar as a victim as much as the homeowners who own the homes the company built.

The lawsuit says Lennar has tested 100 of its homes and has paid to move a dozen families out of their homes, relocate them, lodge them and gut the defective drywall.

Now Lennar wants 23 other defendants to assume the liability and shoulder the costs Lennar has incurred, as well as pay damages to the builder.

The defective drywall is suspected of corroding air conditioning coils and other interior fixtures in homes built between 2005 and 2007. Residents are voicing fears about possible long-term health effects of exposure to the drywall.

"Lennar stands alongside its homeowners as a victim" of those who allowed the defective drywall to be manufactured, supplied and installed in Lennar homes, the lawsuit claims.

But the real victims are the homeowners, Chaikin said. "These are the people who have to live in these homes every day."

However, Lennar is a victim from an economic standpoint, he said.

And his firm and Morgan & Morgan are willing to work with Lennar on the drywall issue, Chaikin said.

"We do expect to speak with them and obviously discuss some of the common issues that our clients face," he

said. "And certainly we are amenable to working with Lennar if it will benefit our homeowners, our clients, at the end of the day," he said.

The Lennar lawsuit names 23 manufacturers, suppliers and installers of Chinese drywall and alleges negligence and product liability.

They include Knauf Tianjin, the company most closely associated with the manufacture of the defective drywall, and its parent company, Knauf Gips, based in Germany.

For the first time, another manufacturer of Chinese drywall is named, Taishan Gypsum Co. Ltd.

The 20 other defendants include USG, the largest supplier of drywall in the United States, and 17 Florida corporations that supply or install drywall, including five drywall installers based in Lee County.



According to air quality tests, the sulfur compound emitted by the drywall not only blackens and corrodes coils, it can harm metals such as chrome, brass and silver. Household items such as microwaves, lighting fixtures, silverware could be affected AND the problem is not be restricted to Florida.

Do you have it?

Does your home wreek of rotten eggs? Have you noticed that your family is suffering from respiratory problems, nose bleeds, headaches, or irritated eyes? Has your air conditioning, wiring, or plumbing required frequent repairs? The cause of these and related problems may be defective Chinese drywall. But, many of these symptoms are also common with other toxic exposures — say, mold.