

# PodhurstOrseck

TRIAL & APPELLATE LAWYERS

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## **CLASS ACTION FILED AGAINST SOUTH FLORIDA DEVELOPER AND SUPPLIER OF DEFECTIVE CHINESE DRYWALL**

### **Lawsuit Alleges that Drywall Emits Toxins Harmful to Humans and Property**

**MIAMI - March 19, 2009** - Jason and Melissa Harrell recently filed a class action lawsuit in Miami-Dade County Circuit Court on behalf of themselves and other homeowners who purchased defective homes. The Harrells allege that drywall installed in their new home, and those of their neighbors, emits destructive and harmful toxins and renders the homes unsafe and uninhabitable. The defective drywall was installed in the Harrell's home by the builder, South Kendall Construction Corp., and supplied by Banner Supply Company.

In January 2008, Jason and Melissa Harrell purchased their newly constructed home in Palm Isle Estates, a single family home community in Homestead, Fla. Shortly after moving in, the Harrells noticed foul odors in the home, their children began experiencing significant respiratory problems and Jason began suffering headaches. The Harrells also experienced problems with their air conditioning system, appliances, internal wiring and other electrical systems rendering them, in some cases, inoperable. Black soot appeared on the copper wiring in the home and in other places.

The Harrells repeatedly asked their builder to fix the problems, but it failed to correct them. The Harrells were forced to move out of their home and into a rental. With no resolution in sight, the Harrells turned to legal counsel. "The Harrell's thought they were buying their dream home," said Joey Givner, attorney for the Harrells. "Instead, they stepped into a nightmare." Several of the approximate 100 homeowners in the Palm Isles Estates have already relocated for similar reasons.

The lawsuit, brought by the law firms of Higer Lichter & Givner, The Blumstein Law Firm and Podhurst Orseck, alleges that the defective drywall emits toxins, including carbon disulfide, carbonyl sulfide and hydrogen sulfide. "These toxins pose serious health threats, including headaches, respiratory ailments and other health problems. They also corrode various metals within the structure of the homes and disrupt with the operation of electronic equipment," said attorney Mark Blumstein. "People buy homes for shelter and protection; not homes that make them sick."

According to the lawsuit, South Kendall Construction Corp. purchased this defective Chinese drywall from suppliers including Banner, a Miami-based company who supplied the drywall for the construction of the homes. It is believed that the manufacturer of the drywall exported approximately 67.3 million pounds of Chinese-made drywall into the United States, which is enough to build up to 7,500 average-size single-family homes. “There are many others experiencing the same problems as the Harrells,” said attorney David Lichter. “Unfortunately, sometimes the only way to get companies to do the right thing is to sue them. The Harrells want a safe house, not a sick house.”

A special phone line has been set up for those seeking information on the issue 305-356-7549.

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**About: Higer Lichter & Givner LLP** provides its clients with first-rate legal consultation and representation in a variety of practice areas including litigation, real estate, corporate representation, mediation, arbitration, intellectual property and personal injury/wrongful death. Michael J. Higer, David H. Lichter and Jacob J. Givner founded the firm in 2006. The partners developed a small-firm environment to allow for personal, focused and client-centered services, while offering the same caliber of work you would expect from a large national firm. For more information please visit [www.HLGlawyers.com](http://www.HLGlawyers.com) or call 305-356-7549

**The Blumstein Law Firm** provides its clients legal solutions through representation and practice areas including complex commercial litigation, contract disputes, real estate, PMPA, admiralty and business torts. Mark Blumstein founded the firm in 2008. Mr. Blumstein is a Navy Judge Advocate General, former elected official with the Town of Surfside, Florida and legal counsel for several national and international corporations. For more information please visit [www.blumsteinlaw.com](http://www.blumsteinlaw.com).

**Podhurst Orseck** concentrates exclusively in trial and appellate litigation. The firm's general tort practice places a major emphasis on aviation, automobile, products liability and medical malpractice litigation. In addition, the firm has a substantial practice in commercial, matrimonial and criminal litigation, as well as complex commercial tort litigation. Attorneys serve clients and corporations throughout the United States, and in many foreign countries. You can learn more about Podhurst Orseck by visiting the firm's website at [www.podhurst.com](http://www.podhurst.com).