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JURY REJECTS \$1.9 MILLION MOLD CLAIM; PLAINTIFF MUST PAY DEFENSE FEES AND COSTS

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(Orange County, CA). Following a protracted trial, an Orange County jury handed an impressive win for WSHB trial lawyers Sheila Fix and Greg Amundson in a habitability case. Notably, this trial started on March 29 and the verdict was handed down almost three months later.

Plaintiff demanded over \$1.9 million-plus punitive damages in an action brought by three individuals alleging personal injuries, emotional injuries, property damage and rental reimbursement all arising out of alleged mold exposure at a mobile home park in Orange County. This particular rental unit had a history of recurring mold and related efforts to remediate the property.

“Our clients made good faith efforts to remediate the unit, and during the course of the litigation made several statutory offers to compromise which were rejected,” said trial lawyer Sheila Fix, a partner in WSHB’s Glendale office. “Ultimately, the jury appreciated the good faith remediation efforts which is a great risk management practice pointer for property managers and owners.”

The jury returned defense verdicts on breach of contract, fraud and intentional infliction of emotional distress claims and wholly rejected Plaintiffs’ claims for future medical expenses. Plaintiffs received a de minimis award of only \$60,604.39 which was less than the statutory offer to compromise. “In short, this means we will recover attorneys fees, expert fees and costs incurred defending this matter which easily dwarfs and negates the verdict entirely,” said trial lawyer, Greg Amundson, a partner in WSHB’s Orange County office.

“This is not only a win for our client, but the industry as a whole,” said trial lawyer Greg Amundson, a partner in the Orange County office of WSHB. Amundson, with over 100 jury verdicts under his belt commented “with all the talk of social inflation and nuclear verdicts, I’m reminded that blanket statements about wild jury verdicts are unwarranted. Here, our jury took its time, carefully considered all the facts and made a reasoned decision in a case with allegedly ‘hot’ issues of ‘toxic mold’ in the

PROFESSIONALS

R. Gregory Amundson

Sheila E. Fix

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habitability space.”

“Trials in the post-pandemic period are interesting, for sure,” said attorney Fix. “For those wondering about Covid protocols, masks were optional and both the witnesses and Judge were behind plexiglass.” “Extremely tight time limits were placed on both the plaintiff and defense sides of the case, which are part of a bigger push by the court to get trials off the docket,” opined Amundson. “Without those time limits, this case would still be in trial.”