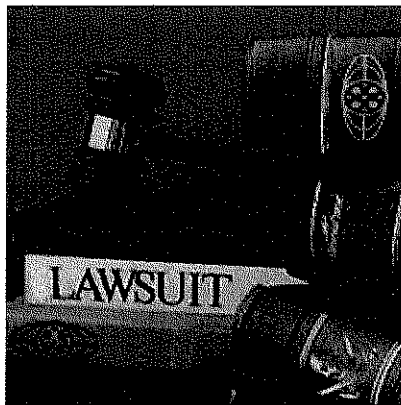


# DEVELOPER NAMED IN LAWSUITS



*By Stephanie Slater*

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# Developer named in lawsuits

## Same company built houses, but firm says issues unrelated

Two homes on the same street in a suburban Boca Raton development have been deemed unlivable due to toxic mold, but the developer says the two cases are merely a coincidence.

G.L. Homes of Boca Raton has been named in separate lawsuits in Palm Beach County Court that allege negligence in the building of the houses in the Saturnia development not only led to the growth of several species of toxic mold but severe medical ailments as well.

The most recent suit, filed last Thursday, alleges that recurring waters leaks within part of the air-conditioning system led to the growth of mold in Shirlee Daily's \$278,000 home at 19216 Skyridge Circle.

Their neighbors, Marcie and Arie Israelian, who filed their suit on Feb. 20, claim mold grew in their \$275,000 "dream home" at 19227 Skyridge Circle as a result of a bathtub "overflow" pipe that was never connected in their children's bathroom.

Daily and the Israelians said they suffered from health problems and were forced to move into temporary housing, leaving behind all of their belongings.

"It would be impossible for anyone to imagine the suffering I have endured," said Daily, who added that she continues to suffer from bouts of vomiting and diarrhea. "My entire life was invested in my home - my savings, furnishings, clothing and my now non-existent business."

George Atkinson, vice president of construction for G.L. Homes, said the mold incidents are totally unrelated and purely coincidental.

### Daily's suit

Daily, who moved into her home in August 1999, claims G.L. Homes and Bailey Engineering of Palm Beach Gardens failed to diagnose or remedy the problem, then blamed her for the mold contamination after their investigation determined she had kept the air-conditioning thermostat on too low a setting and the switch for the unit's fan in the "on" position.

Central Air Control, the company that installed the air-conditioning system, was equally negligent by not only failing to diagnose the cause of the mold, but on several occasions determining that there was "no problem" with the system, the suit claims.

G.L. Homes was aware of the problems in her home, because the air conditioner's condensate line continued to overflow, Atkinson said.

When Daily made the company aware of mold build-up in her closet, Atkinson said, G.L. Homes brought the air-conditioning contractor, manufacturer and an outside engineer to the home to investigate the problem.

"Even after the three years that she lived there, we came back because that's the type of homebuilder we are," Atkinson said. "Their conclusion was that nothing in the home was designed or constructed incorrectly."

Atkinson said his company also provided Daily with instructions to properly use the air-conditioning unit, recommendations to improve indoor air quality and a contact person should she need further assistance.

Central Air Control, Inc., of Hialeah, did not return calls for comment.

Ron Bailey, vice president of Bailey Engineering, said his company stands by the report completed within two weeks of the site investigation.

"We gave her and G.L. Homes a report that is accurate," Bailey said. "Nothing was done to correct or resolve the problems on her part."

But according to Scott Gelfand, an attorney with Hodgson Russ - the firm representing both Daily and the Israelians - it was not until Daily hired an independent air-conditioning company in January 2002 that the system's return-air "plenum" was examined and the main source of the mold discovered.

"Nobody ever thought to cut back the insulation and look at it," Gelfand said. "Therefore, all the advice and conclusions they reached were made without looking at the return-air plenum - which is where all the mold was found."

### Israelian's suit

Marcie and Arie Israelian, who moved into their house in April 1999, allege seeping bath water



Shirlee Daily's home at 19216 Skyridge Circle with signs posted warning of mold. She claims she was forced out of her home because of toxic mold.



SPECIAL TO THE NEWS

**A photo shows mold on the gloves and handbag kept in Shirlee Daily's closet inside her home on Skyridge Circle.** Daily has filed one of two lawsuits against G.L. Homes - the developer of the houses in the Saturnia community west of Boca Raton - alleging the company's negligence resulted in the growth of the mold. But the company counters that she did not follow directions in taking remedial action.

resulted in the incubation and growth of toxic mold in the dry-wall and floor of their children's bathroom and bedrooms. The water, the suit claims, was due to an "overflow" pipe that was never connected in the bathtub.

Atkinson said the company acknowledges that there was a plumbing problem but disputes the severity of it as far as the types of molds found and the levels of toxicity.

"We dispatched a plumber within 24 hours of the [reported] leak and corrected the tub-overflow connection," Atkinson said. "Some things were damaged as a result of the water leak, and we told them the steps we'd take to repair it."

Atkinson said his company also brought in an industrial hygienist to give the Israelians assurance that the situation was correctable.

"We were told they would have to think about it, and then they told us they weren't interested," Atkinson said. "They moved out and filed a suit and we haven't been back since."

G.L. Homes' response to the lawsuit completely misses the point, Gelfand said.

"The point is not corrective matters after the fact. It's the negligence three years earlier that caused the leaks and resulting mold problem," Gelfand said.

### **Back to normal?**

As Gelfand fights her case, Daily said she battles with survival each day - often embarrassed and afraid to leave her temporary home on Northwest 41st Terrace in Boca Raton because of her physical and mental health.

"I wonder when or if I will ever have a normal life again," Daily said. "I believe it is time for G.L. Homes and its contractors to take responsibility for what has become of me, my home and my belongings."

Marcie and Arie Israelian said they were horrified to learn their neighbor's home was also built by G.L. Homes and warned prospective buyers to be thorough and cautious when moving into a brand new home.

"We thought they were building us a safe place to live," Marcie Israelian said "It's a very scary thing that could happen to anybody. It could be happening to someone else right now."

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