

## **Robert & Char Milligan v. Roe Construction Company**

**CASE NO.:** CIV 170 562

**SETTLEMENT DATE:** February 6, 1998

**CASE TYPE:** Breach of Contract

**RESULT:** \$559,000 Settlement

**COURT:** Ventura County Superior Court, Ventura

**SUMMARY:** Custom beachfront home sits unfinished for 11 months; rain and oceanfront moisture damage

**PLAINTIFF ATTORNEY:** Knopfler & Robertson, By: Alexander Robertson, IV, and William G. Kelsberg, Woodland Hills

**DEFENDANT ATTORNEY:** Lewis, D'Amato, et al., By: Edward F. Morrison, Los Angeles, (see **NOTES** below)

**FACTS:** Plaintiff homeowners hired Defendant general contractor to build a custom beachfront home in Mandalay Beach, Ventura. Construction began in 1995, but the house then sat idle after rough framing for approximately eleven months.

**PER PLAINTIFF:** That the Defendant general contractor was negligent for constructing the home below the standard of care and in an unworkmanlike manner; that various subcontractors were also negligent, specifically, that the framing of the house violated applicable building codes which resulted in abnormally low ceiling heights, unsafe stairways and structural deficiencies.

**DAMAGES:** Rain and oceanfront moisture damage from leaking roof, windows, sliding glass doors and exterior balconies with an estimated \$1.1 million cost of repair.

**DEFENSE:** Contended that the City of Oxnard approved the construction and the deviations from the approved architectural plans during construction of the house. Defendants further contended that Plaintiffs' cost of repair was exaggerated; that repairs could be performed for substantially less, approximately \$130,000.

**NOTES:** Gerald Kurland, Esquire, of JAMS, Santa Monica was mediator. There were a total of 14 defense attorneys involved in this action.

**See Confidential Reports for Attorneys No.: 9510**