

MEDIA RELEASE

TUESDAY, DECEMBER 22, 2015

Cladding Action launches second claim against James Hardie for Titanboard owners

Today, law firm, Parker & Associates, added a second group of leaky property owners to the Cladding Action against James Hardie with a group of 22 commercial units alleging negligence and breach of the Fair Trading Act in relation to Titanboard. Titanboard is another James Hardie cladding product often used in commercial buildings from the mid-1990s. The Titanboard claim is also being brought as a class action on behalf of other similarly affected property owners that may consent to join.

80 owners of Harditex or Titanboard properties have now joined the Cladding Action with another 80 to 100 expected to join shortly. Most of these claimants are filing separate statements of claim to protect against a potential limitation deadline on 31 December*.

In August, Parker & Associates filed the first claim against James Hardie in the Cladding Action, alleging negligence and breach of the Fair Trading Act in relation to the Harditex cladding product. Since then, the firm has registered interest from over 550 property owners and fresh enquiries are being received each day.

“The Cladding Action is self-funded giving claimants the full upside of a successful outcome,” said Mr Parker. “We are pleased with the number of claimants confirmed already and expect more will be joining.

“We have applied to the court to proceed as a class action and for the final date on which other potential class members can opt in to join the Cladding Action. That application will be heard next year.

“Separate claims have been filed for most plaintiffs as a precaution to avoid risk with a 31 December 2015 potential limitation deadline,” said Mr Parker.

“Anyone whose property was built after 1987 using Harditex or Titanboard cladding and who may have suffered damage as a result of the alleged system defects should contact us urgently to explore eligibility and to arrange testing,” he said.

James Hardie has denied any fault or failings with their product and will defend the case.

Parker & Associates has achieved recoveries for hundreds of owners of residential houses, apartments and commercial buildings, including claims against James Hardie, since 2001.

Interested potential claimants can obtain further information by registering interest with Parker & Associates at 05084Parker or ph: 04 499 0390, www.parkerandassociates.co.nz or email info@parkerandassociates.co.nz or like us on Facebook/[parkerandassoc](https://www.facebook.com/parkerandassoc)

Notes

*As after 31 December 2015 there will be a bar on claims based on acts or omissions that occurred more than 15 years ago. Many of the alleged negligent acts in question and affected properties date back to the 1990s.

Ends

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Notes to editors:

Client endorsements and successful leaky building cases led Parker & Associates:

The Loft apartments

Parker & Associates acted on behalf of 29 owners of The Loft apartments in a \$13 million leaky-building claim in central Wellington settled out of court in 2014. Herwig Raubal is body corporate chair of The Loft apartments: "Parker & Associates was recommended to us by our lawyers as specialists in leaky building cases. Dan and his team got our case to the High Court in a short time frame and knew exactly what needed to be done to right the situation for the 29 apartment owners. There was an understanding of how we felt as individuals and as a group. He helped the owners realise what we were up against, engaged with us to hear our views and negotiated a great outcome. The owners were very happy."

Stadium Gardens Apartments

Parker & Associates achieved a confidential settlement for owners of 87 residential units in the Stadium Gardens Apartments two days before a 10 week hearing was scheduled. The complex at Stadium Gardens was completely repaired with Prendos as remediation consultants and Naylor Love as the building contractor in 2013. John Weiss was body corporate chair for the group of 81 owners and says: "The quality of work was excellent and the outcome was the best possible – the building is now repaired, better than new, and its value is returning. Dan and his team were extremely effective, supportive and honest, and guided us through the process during what was a very stressful time."

Glenmore Street

Parker & Associates acted for the body corporate and owners of four units at 14C Glenmore Street, Thorndon in their successful claim against Wellington City Council. Judgment was obtained in February 2014 after a three week hearing in November 2013 for \$2.5m including costs. Kristina Ryan was one of the four Glenmore Street apartment owners: “The highlight for us was that Parker & Associates achieved outstanding results. The case went to court which was a difficult decision to make, but it turned out to be well worth it. The High Court awarded \$1.9 million compensation for lost value on the four townhouses, plus expert witness costs and gave us a good uplift in legal costs. This was considerably more that we could have expected if we had not gone down that track. Dan and his team were very thorough and meticulous in putting together the case, relying on solid evidence and a wide group of experts. We got the best outcome possible and were able to move on.”

Luxford Villas

Luxford Villas is a 40 unit complex. Initially the repair work was estimated to be around \$12,000 and a matter was heard by the Disputes Tribunal. However after a detailed scope of repair was completed the final figure for the cost of repair was \$4 million. The claim was against the main contractor and third parties. After two mediations and approximately three weeks before hearing a \$5 million settlement was achieved for the clients.

First Windows and Doors

Parker & Associates acted for a window supplier, First Windows and Doors, in their successful defence of a high profile leaky building claim against them and others in the Weathertight Homes Tribunal and upon appeal to the High Court. The client obtained one of the highest award of costs that has been awarded in the Weathertight Homes jurisdiction, where cost awards are rare.

Further information related to the Cladding Action against James Hardie

After 31 December 2015 a separate limitation period applies to bar claims based on acts or omissions more than 15 years before proceedings are issued. Owners should move quickly to allow time for the necessary pre-commencement work and investigations before the deadline. The Court closes for filing claims on around 23 December 2015.